THE BRITISH COLUMBIA POLICE, 1858-1871

by

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Abstract.  

The British Columbia Police was established in September, 1858, by James Douglas (later Sir James Douglas). At that time Douglas was Chief Factor of the Hudson's Bay Company and Governor of the Colony of Vancouver Island. When the Fraser River gold rush occurred, Douglas assumed responsibility for maintaining law and order on the Mainland of British Columbia, and established a small police force at the diggings. This force was not an organized police force in the modern sense, but rather a modified form of the English system of police offices composed of stipendiary magistrates and paid constables established in London in 1792. In British Columbia, the gold fields were divided into administrative districts each in charge of a gold commissioner armed with magisterial powers. These officials, who were under the orders of and directly responsible to the Governor, were referred to both as stipendiary magistrates and as gold commissioners. One of their main functions was to put down lawlessness in their districts. For this reason, each magistrate was authorized to appoint a staff of not more than six constables. Since the constables were also employed as the magistrates' clerks, recorders, collectors and postmasters, they became integrated with the administrative system of the Colony.

The suddenness of the Fraser River gold rush found Douglas without competent men to appoint to the important office of stipendiary magistrate. He hesitated until June, then appointed a staff chosen from the gold mining population. Without exception the men whom he appointed proved incompetent. The constables also were selected from among the miners, and with few exceptions their service was unsatisfactory. Before any of the appointments were made, the miners had taken the law into their own hands. They treated the magistrates and constables with neither fear nor respect. At the end of the year there was a breakdown in law and order in the goldfields, culminating in a dispute between two of the magistrates, generally referred to as the "McGowan War."

The question now arose as to whether or not British Columbia should have a large, centrally controlled, semi-military police force organized along the lines of the Royal Irish Constabulary. There was already in the Colony an officer of the famous Irish Force. This was Chartres Brew, whom Sir Edward Buliver Lytton had selected to assist Douglas in organizing a police force. Brew, who arrived in the Colony in November, 1858, was appalled at the inability of the police to control the miners. He proposed that
a force of 150 men should be raised in the Colony, but the expense involved caused Douglas to withhold his consent. After the McGowan War, Governor Douglas, with Brew's concurrence, requested the Colonial Office to send out a force of about 150 of the Irish Constabulary at the British Government's expense. This plan was dropped when it was learned that the expense would have to be borne by the Colony. Brew then requested to take the constables in the goldfields under his charge. However early in 1858 the military forces in the Colony had been substantially increased. Also a new and competent staff of magistrates had been appointed. Consequently Douglas did not now feel the need of a strong police force. His unco-operative attitude persuaded Brew to abandon all hope of taking control of the police. He accepted instead a position in the magistracy. Consequently the colonial constable remained under the control of the magistrates.

Fortunately there appeared a better class of magistrates and constables after 1858. The magistrates were selected from suitable candidates sent over by the British Colonial Office. Without exception they won the confidence of the Governor. Their efforts were mainly responsible for the general good order that prevailed in British Columbia after 1858. The Governors of the Colony allowed the magistrates to choose their own constables. However in 1864, under Governor Seymour, the constable establishments for each district were fixed by the Governor-in-Council and all appointments to the constabulary had to have the Governor's approval. Although these measures gave more stability to the police the early development of the Force was hampered by the financial circumstances of the Colony. There were too few constables to deal with the serious increase in crime at the height of the Cariboo gold rush or to coerce large mining companies if they defied government regulations. Nevertheless the British Columbia Police was motivated by high ideals of public service. When there were openings for new Magistrates, first consideration was given to the constables. After Confederation the magistrates became servants of the Dominion Government while the constable came under the jurisdiction of the Province. This change led to two important steps in the evolution of the British Columbia Police. First the police became independent of the judiciary. Second, a superintendent was appointed for the whole force. However modernization was not completed until 1923 when the British Columbia Police was re-organized by the Police and Prisons Regulations Act.
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CHAPTER I

THE FORCE IS CREATED

On August 15, 1950, the task of policing the Province of British Columbia was officially transferred from the British Columbia Provincial Police to the Royal Canadian Mounted Police. For the British Columbia Force, this date terminated 92 years of policing the Pacific Coast Province. Originally it consisted of fewer than a dozen constables whose duty was to police the gold fields of the lower Fraser River valley. At the time of its replacement by the Royal Canadian Mounted Police, it had developed into one of the most modern and efficient police forces in North America, comprising over five hundred officers, non-commissioned officers and men, who policed British Columbia's 360,000 square miles. The British Columbia Provincial Police had the distinction of being the oldest territorial police force in Canada, looking back to November 19, 1858, as the date of its origin.¹ The fact that this is also the date on which the Colony of British Columbia was formally constituted, shows how closely the history of the British Columbia Police parallels that of the Province.

Before the Colony of British Columbia was brought into existence and before the British Columbia Police was formed, the Pacific Coast Mainland was inhabited almost exclusively by Indians and Hudson's Bay Company officials. In 1821, the courts of Upper Canada were given jurisdiction in all civil and criminal law cases arising in British territory

¹ The B.C. Police predates the North-West Mounted Police by 15 years and the Ontario Provincial Police by 17 years.
west of the Great Lakes but this arrangement became a dead letter in so far as it applied to the remote area west of the Rocky Mountains. When Vancouver Island became a Colony in 1849, courts of judicature were established there, but it was not until after gold was discovered along the Fraser River that British law was introduced into the Mainland. 2

As early as 1856, James Douglas, Governor of Vancouver Island and Chief Factor of the Hudson's Bay Company, informed the British Government that gold in considerable quantities had been found in the Columbia River region. The problem of enforcing law and order in the event of a sudden increase in population was considered, but the British were not prepared at that time to incur any unnecessary expense and consequently took no step to introduce an organized government for the Mainland. The means of preserving law and order should a gold rush occur was left to Douglas who was the nearest representative of Her Majesty's Government. 4

The expected rush of miners to the Fraser River began in April, 1858 and by that summer had reached its height. Between April and July, 5 it was estimated that 22,000 people arrived on the Mainland. Douglas realized that no time was to be lost in establishing some form of government. In June, on a visit to the gold fields, he appointed the first law officials. 6


3 Douglas to H. Labouchere, 16 April, 1856, in Great Britain, Parliament, Copies of Extracts of Correspondence Relative to the Discovery of Gold in the Fraser River District in British North America, London, 1858, p. 5.

4 Labouchere to Douglas, 4 August, 1856, loc. cit.

5 Victoria Weekly Gazette, 16 July, 1859.

6 See below, Chapter II, for an account of the first law officials.
Langley, Douglas drew up a draft of instructions for these newly appointed officials in which was contained the first orders for the organization of a police at the diggings.

Your establishment will consist of 6 men, namely, a serjeant [sic] at one dollar and a half and the remainder at 41 per diem each, with rations (two shillings) and with clothing.

You will hold courts of Petty Sessions at the place near to your head quarters which may be proclaimed for that purpose, on such days as shall be most convenient giving sufficient publicity to the same.

You will carry on general public business of your district taking especial care that drinking and gambling and other disorders are as much as possible put down. The Sergeant of your party will also act as Chief Constable, and his duties will be those ordinarily belonging to such officers.

You will furnish me monthly with an account of the number of days on which Courts of Petty Sessions are held, and of the number of cases and their results, distinguishing their several characters.

You will have the power of dismissing any of your party for drunkenness or other misconduct reporting to me the circumstances.

In September, still not having received definite instructions from the Home Government for establishing law and order at the diggings, Douglas again visited the Mainland and appointed the first constables. He hesitated to employ as many as he thought necessary, as the expense involved

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7 James Douglas, Instructions to the First Gold Commissioners, 13 July, 1858, Papers Relative to the Affairs of British Columbia, Part I, (Cmd. 2476), London, 1859, p. 31. Hereafter cited as B.C. Papers. It is interesting to contrast this original plan for a police with the force which actually developed in the Colony. The following differences are noted: (1) the district constable establishment was usually less than six depending on local exigencies (see Chapter V); (2) military ranks such as sergeant, were never used; (3) the Colonial Police were not given rations or clothing; (4) the chief constable’s duties entailed a much wider variety of jobs than those "ordinarily belonging to such officers".
was so great. Douglas reported to the Colonial Secretary,

A considerable force of public officers is necessary at Fort Hope to consist of a magistrate, Sheriff and Constabulary Force, but the expense would have been so great...that I thought it proper to consult you on the subject.... No man of worth will accept employment at less than £3.25 or 13/7 a day, the men however in that case finding their own board and lodging - I however made the following appointment: - Robert Smith a native of Scotland to be Justice of the Peace and Assize Officer - Robert Ladner to be a Chief Constable.

Douglas went on to say:

A regular police force consisting of one Chief Constable at 150 dollars a month and five policemen at 100 dollars each a month were appointed during my stay at Fort Yale. This is a very high rate of pay but no men worth having will serve for less. 3

Thus the British Columbia Colonial Police came into existence. The event was noted by a few lines in the Victoria Gazette by the correspondent at Fort Yale.

At last there is some prospect toward establishing law and order. I saw a bona fide policeman today for the first time and on enquiry I learned there were 2 or 3 more. Their pay is £100 per month which is no more than is required to get good men. The Chief of Police or High Constable is...Mr. William Kirby.... 9

It was not until October that Douglas at last received some concrete advice from the British Government in connection with the administration of the new gold fields. Sir Edward Bulwer Lytton, who became Secretary of State for the Colonies in 1858, wrote to Douglas suggesting that he appoint magistrates and form a constabulary force at the diggings without

3 Douglas to Lytton, 12 October, 1858, B.C. Papers, Part II (Cmd. 2578), London, 1859, p. 6.

9 Victoria Weekly Gazette, 2 October, 1858.
It was with some satisfaction then, that Douglas answered:-

I have received your communication...suggesting the appointment of gold commissioners with the powers of magistrates, and the establishment of a police at the diggings.

It was highly satisfactory to learn that in respect to those measures I had only anticipated your wishes....

For several years prior to the Fraser River gold rush Douglas had repeatedly requested the British Government to send him military support. In 1858 several more such requests reached Great Britain. Lytton was apprehensive lest Douglas make the mistake of using the military to compel obedience to civil law. Not only did Lytton feel strongly against entrusting police duty to troops, but he also wished to avoid the embarrassment that might arise if British soldiers arrested American miners. He advised Douglas:-

The Governor of the Colony should...use every endeavor to render the authority of the Civil Government independent of his military force and thus be in a position to feel the full advantage of the moral support which the military affords to legitimate authority in proportion to the rarity of their interference. On the other hand nothing is so important to the peace and progress of the Colony as a well-organized and effective Police. And I find that a Police is always feeble in the colonies that have been accustomed in every disturbance to rely upon soldiers. It is by the establishment of this Civil Constabulary with a sufficient staff of Stipendiary Magistrates, that I would wish the Colonists to cooperate with the Government in the requisite protection of life and property....


11 Lytton to Douglas, 16 October, 1858, B.C. Papers, Part I, p. 70.
If Douglas had appeared over anxious for military support it was because he felt it wise to "err on the safe side and maintain a respectable military force in order that the power as well as the dignity of the British Government should be represented." He feared that the Americans might fail to recognize the forty-ninth parallel as the northern limit of the United States' territory, and felt that a strong military force would most effectively remind them that they were now on British soil. Such a force also would have a great moral effect on the Indians. He had no intention of using it except as a show piece or in case of emergency.

As it happened the problem of law enforcement during the colonial period did, for the most part, rest with the civil authorities. An exception was the use of ships of the Royal Navy along the north-west coast for the purpose of investigating the illicit liquor trade and the occasional murders committed by the natives. The Captain of the ship concerned was sworn in as a Justice of the Peace to give him authority to enforce the law. In 1858, a detachment of Royal Engineers was sent to the Colony of British Columbia for the purpose of surveying roads. There are only a very few instances of their being called upon to act in the capacity of police.

When the British Columbia Police was formed, the modern idea of police as an organized, salaried force, entirely distinct from the judiciary, was still very new. Such a force was not established in

12 Douglas to Lytton, 27 December, 1858, B.C. Papers, Part II, p. 47.
13 See Chapter II, p. 17 and Chapter V, pp. 60-61.
England until 1829 when the London Metropolitan Police was formed. The Colonial Police was neither an organized force in the modern sense, nor was it separate from the judiciary. The circumstances surrounding its formation necessitated the incorporation of police duties with not only judicial duties but also with most of the other civil requirements of the Colony. For administrative purposes the Colony was divided into districts according to the distribution of the mining population. Over each district there was appointed a stipendiary magistrate, with a staff of paid constables.

The stipendiary magistrate was the most important local official in the Colonial Government. He was called upon to render services which, in a more advanced stage of government, would never have fallen to his lot. As the Colony developed, the magistrates became responsible for a bewildering list of offices. The magistrate of each district was also the local police authority. In this combined capacity he saw to the apprehension of criminals by his constables or sometimes by himself; he examined the prisoners, and committed them to trial; where a jail was available he was responsible for the detention of criminals, or, if there was no jail, the transfer of criminals to a place of detention. The office of stipendiary magistrate was also combined with that of gold commissioner, an arrangement based on the methods used in the Australian gold rush.


15 The positions of stipendiary magistrate and paid constable came into existence in England in 1792 by the Middlesex and Surrey Justices Act which provided for the establishment of 7 police courts in the London area each with 3 stipendiary magistrates and 6 police constables who were paid a salary. See, ibid., p. 13.

16 Douglas to Sir Henry Barkely, 6 August, 1860, Governor's Private Official Letterbook, RG., Archives of B.C.
commissioner he was responsible for collecting miners' licenses, recording claims and settling claim disputes. In addition, the magistrates were justices of the peace, judges of the small debts court and most of them were county court judges. Another title of the magistrate was Sub-Commissioner of Lands and Works, in which capacity he reported to the Governor such pertinent information as returns of land pre-eminences, suitable locations for new roads and conditions of existing roads and trails. In some districts the magistrate performed the duties of a customs official, supervising the collection of import duties or of revenue from road tolls. For lack of any other officials appointed for the purpose, the magistrate also served as Indian Agent. Other duties which fell to the magistrate's lot were those of coroner, postmaster, local register, and, in one district, hospital superintendent and librarian. In 1863 when the Legislative Council was established on the Mainland, some of the magistrates, in addition to all of the above duties, became members of that Body. 17 The magistrate was indeed the most important local government official in the Colony. In fact, he, with his constables, were the only local officials. No wonder the Colonial Secretary, in writing to a newly appointed magistrate, said that it was "impossible to lay down rules for your guidance in every contingency. Much must be left to your own discretion and judgement". 18

In estimating the work of the British Columbia Colonial Police Force outlined in the ensuing chapters, it is only fair to keep in mind that


18 J.A.G. Young to L.C. Kliott, 3 July, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
although the constables were appointed primarily to maintain law and order, they were, still, assistants to the magistrates, and as such, they were required to act in so many capacities that their efficiency as police was necessarily impaired.
The Fraser River gold rush was one of the most sudden in history. The comparative nearness of the United States territory and an available transportation system enabled men from California to reach the gold producing area shortly after hearing the news of rich strikes. The actual diggings commenced on a bar about one mile below Fort Hope and extended to the commencement of the Falls, a distance of approximately forty-five miles. The suddenness of the rush precluded Douglas' establishing machinery to maintain law and order until after the influx of migrants was at its peak. In the meantime, the thousands of gold seekers had completely transformed the scene along the lower Fraser where the palisaded forts of the Hudson's Bay Company at Langley, Yale and Hope, had been the only signs of European civilization. After the miners, came the gamblers, smugglers and thieves, all intent on getting a share of the miners' gold. The miners showed little concern over the absence of police protection; they came well armed, prepared to protect themselves and even in some cases, to make their own laws. For instance, when Douglas visited the mines in June, 1858, he found that at Hill's Bar, just below the town of Yale, the miners had drawn up their own code of laws which provided penalties for such offences as stealing, molesting the Indians or providing them with liquor.

Douglas appointed the first law officials in June. George Perrier, "a British subject", was appointed "Justice of the Peace for the district

1 W. N. Sage, Sir James Douglas and British Columbia, University of Toronto Press, 1930, p. 223.
of Hill's Bar. For the district of Fort Yale, Richard Hicks, "a respectable miner", was appointed as "Revenue Officer".\(^2\) Above the Yale District was the district of Fort Dallas, which extended from the Falls to "some point beyond the Fountain to be fixed hereafter".\(^3\) Captain O.J. Travaillot, a Frenchman who had been mining in the region, was appointed "Revenue Officer" for this district.\(^4\)

No constables were appointed until September on Douglas' second visit to the gold fields. At that time he appointed Robert Smith to be justice of the peace and revenue officer at Fort Hope.\(^5\) Under him was appointed the first constable on the mainland - William Ladner, an Englishman who had come to the Fraser River diggings in May from San Francisco.\(^6\) Ladner served as collector of customs as well as constable at Fort Hope. One of his first police assignments was to apprehend William King for the murder of William Eaton. He arrested King at the foot of the Canyon and brought him down to Fort Hope for trial.\(^7\) Ladner did not serve long as a constable, probably until the spring of 1859. He left the government service to take up farming in British Columbia. Later his name was given to Ladner's

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\(^2\) Douglas to Lord Stanley, 15 June, 1858, Vancouver Island Despatches to Downing Street, MS., Archives of B.C.

\(^3\) Young to Travaillot, 16 August, 1858, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.

\(^4\) Douglas to Stanley, 1 July, 1858, op.cit. Other titles of these first officials were: Magistrate; Assistant (or Sub) Commissioner of Crown Lands or Assistant Crown Commissioner; and Assize Officer. The title, Stipendiary Magistrate and Assistant Gold Commissioner, was not firmly fixed until later.

\(^5\) See above Chapter I, p. 4.


Although British Columbia's first constable was stationed at Fort Hope it is to Yale that one must go for a picture of the British Columbia Police at the time of its inception. Yale was the center of gold rush activity in 1858 and it was here that Douglas reported a regular police force of six men had been formed. The first chief constable at Yale was William Henry Kirby, a former resident of Australia. Kirby remained a member of the Yale Police approximately a month. He resigned in October when Mr. B. Donnellan, who had served in the San Francisco Police and had been mining in British Columbia since July, was appointed as chief constable in his stead. Donnellan resigned in December. In addition to these two there was also a Constable Smith, Constable Davis, Constable David McLean and Constable Joseph W. Carey, all of whom had either resigned or been discharged by the spring of 1859.

These men who first policed the gold fields of the Fraser River valley make a strange contrast with the men who served in the present day Force. The latter were carefully selected, well trained and disciplined. In their smart khaki uniforms, they patrolled British Columbia by automobile, plane and high powered boats. British Columbia's first constables, on the other hand, were selected from such material as the gold rush afforded. They had no training and discipline made little appeal to them. Since they wore no uniform, it was impossible to distinguish

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9 See above, Chapter I, p. 4.
10 Hicks to Douglas, 1 November, 1858, Hicks Letters, MS., Archives of B.C.
11 P.B. Whannell to Douglas, 15 December, 1858, Whannell Letters, MS., Archives of B.C.
them from the rest of the population as they made their way up and down the Fraser River valley on foot or by canoe.

Desirable recruits were not easily attracted to the position of constable. Few of the gold seekers indeed, were willing to forego the lucrative possibilities of gold mining for the onerous duty of enforcing the law among their unruly brethren. Besides, a constable's pay was too small and the chances of getting it regularly, too uncertain. The men who offered themselves for enrolment were chiefly independent miners who would never become obedient subordinates. These men, besides, were determined to return to their mining pursuits whenever a favorable opportunity arose, so that just when they were becoming fairly useful they would abandon the force.12

With few exceptions, British Columbia's first constables gave unsatisfactory service. According to Hicks, Constable Kirby was "all talk and do nothing".13 Constable Donnellan was said to be "totally unfit for his job".14 One constable, appointed by Travaillot, received his appointment shortly after he had stoutly resisted arrest following a charge of attempted murder and highway robbery; another constable was discovered to be a saloon keeper at the same time as he held his government appointment.

The appearance of these first policemen at the diggings made little impression on the miners. They continued to go heavily armed and regarded the constables with neither fear nor respect. Whenever it was in their interest, the miners were obedient enough to law and order, but they

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12 Chartres Brew to Douglas, 29 December, 1858, Brew Letters, BC., Archives of B.C.
13 Hicks to Douglas, 1 November, 1858, Hicks Letters, BC., Archives of B.C.
14 Whannell to Douglas, 3 December, 1858, Whannell Letters, BC., Archives of B.C.
tolerated and even encouraged rowdiness. Moreover, they would not hesitate to attempt the rescue of any of their friends from police custody.

Yale was a typical gold rush town where liquor saloons and gambling halls flourished. These places sometimes harboured the worst criminals in the Colony yet the police dared not close them for fear of repercussions among the miners. Hicks almost gave up hope of preserving order in Yale. In desperation he wrote to Douglas:-

Unless I am supported by a sufficient military force it will be impossible for me or anyone else to maintain law and order. I have six men who are completely harrassed day and night.15

Worse than the incapacity and weakness of the police was the corruption and indiscretion of most of these first magistrates. Perrier, either through fear or fraud, compromised his position at Hill's Bar by association with the lawless element in that district. Travaillot was said to have held court while intoxicated. And of Hicks, Begbie16 said, "he is totally unworthy of serving Her Majesty in any capacity whatsoever".17

Complaints against Hicks led Douglas to relieve him of his magisterial duties in November, 1858, but for some reason he was allowed to continue as gold commissioner until approximately February, 1859. The magisterial duties at Yale were taken over in November by P.B. Whannell, who was said to have served with a militia regiment in Australia prior to coming to British Columbia.18 Whannell took over the control of the Yale police

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15 Hicks to Douglas, 1 November, 1858, Hicks Letters, MS., Archives of B.C.

16 Matthew Baillie Begbie, appointed Judge of the Crown Colony of British Columbia, September 2, 1858.

17 Begbie to Douglas, 3 February, 1859, Begbie Letters, MS., Archives of B.C.

and carried on a campaign against lawlessness in such an arrogant and
vain manner that he soon lost the support of his constables and provoked
the antagonism of the miners.

Whannell's indiscretions paved the way for an event often referred
to in British Columbia history as the McGowan War. This affair, though
ridiculous in itself, revealed the general disregard for constituted
authority in the Fraser River gold fields. The central figure in the
"war" was a notorious character named Ned McGowan, a refugee from vigi-
lance committee justice in San Francisco where his life "was not worth
an hour's purchase". He announced his arrival in Victoria harbour with
a salvo of guns. McGowan and his followers installed themselves at
Hill's Bar and proceeded to spread their influence over not only the
miners of the district, but also over the local law official, Justice
Perrier. The growing prominence of McGowan was closely watched by a
group of ex-San Francisco vigilantes who made their headquarters at Yale,
where Justice Whannell presided. Thus there developed an unwholesome
rivalry between the Hill's Bar and Yale residents and also between their
respective law officials, Perrier and Whannell. The situation came to
a head at the end of the year.

Christmas Day, 1858, found Yale residents at loose ends; all gambling
halls and saloons had been closed on Justice Whannell's order. This drastic

19 Begbie to Douglas, 3 February, 1859, Begbie Letters, MS., Archives of B.C.
20 Cf. Pettietop cit. p. 139
action taken by Whannell was an effort to prevent further trouble after 
the murder of the previous day. It was an effort in vain. Before the 
day was over a colored man named Dixon was assaulted on the streets of 
Yale by two miners from Hill's Bar. Whannell straightaway put Dixon in 
jail to make sure of his being on hand for the trial. He then issued 
warrants for the apprehension of the assailants. The latter were sub-
sequently arrested at Hill's Bar and arraigned before Justice Perrier. 
That worthy, on the pretense of wishing to investigate the matter fur-
ther, dispatched Constable Hickson to Yale to escort the colored witness 
to Hill's Bar. Whannell not only refused to surrender his witness but 
after an exchange of words with Constable Hickson, put the latter in jail 
for contempt of court. This was too much for the proud Perrier and the 
miners of Hill's Bar. Entirely ignorant of his powers and authority, 
Perrier made out two warrants, one for the arrest of Whannell and the 
other for removing Dixon from custody at Yale and having him escorted to 
Hill's Bar. To execute the warrants and to rescue Constable Hickson, 
Ned McGowan and some of his accomplices were sworn in as special constables. 
The McGowan posse forcibly seized Whannell and his jailor and brought them 
all, Whannell, jailor, Hickson and Dixon back to Hill's Bar. Magistrate 
faced magistrate: prosecutor faced defendant. Perrier declared Whannell 
guilty of contempt of court and fined him the sum of twenty-five dollars. 
Whannell, distraught with fear and indignation, wrote to the Governor:

21 On Christmas eve, William Foster, a notorious gambler, shot and 
killed a miner in broad daylight. Whannell personally arrested Foster's 
partner but Foster managed to escape and was hidden by his associates.
This town and district are in a state bordering on anarchy; my own and the lives of the citizens are in imminent peril - I beg your Excellency will afford us prompt aid.... An effective blow must at once be struck at the operations of these outlaws, else I tremble for the welfare of this colony. In conclusion I beg to report...that... owing to Mr. Perrier's act this day, my authority is set at defiance and I am, as it were, a mere cipher! 22

Douglas, believing that an insurrection had occurred, lost no time in responding to Whannell's appeal for aid. A force of one hundred marines accompanied by about twelve special constables was despatched from Victoria. Colonel Moody, who heard of the disturbance before the news reached Douglas, had already set off from Fort Langley accompanied by Judge Begbie and a force of twenty-five of the Royal Engineers. Their fears that the country was in open insurrection were soon dispelled; on arriving in Yale ahead of the troops, they found everything remarkably quiet.

An investigation which was conducted into the Whannell-Perrier episode disclosed the state of affairs which prevailed on the Mainland.

Judge Begbie summed up the situation:-

It is easy to conceive what a ready opening there was for disturbance in a district where a weak and corrupt magistrate like Mr. Hicks, having thrown men's minds and titles into confusion, was succeeded by two magistrates like Captain Whannell and Mr. Perrier, alike ignorant of the law, surrounded by evil counsellors and carried away with the most unbounded ideas of the dignity of their offices and themselves.24

22 Whannell to Douglas, 31 December, 1858, Whannell Letters, Archives of B.C.

23 R.C. Moody, Commanding Officer of the Company of Royal Engineers sent to the Colony of B.C. in 1858 (See above, Chapter I, p. 6).

24 Begbie to Douglas, 3 February, 1859, Begbie Letters, Archives of B.C.
The McGowan War marks the end of a chapter in the story of the British Columbia Colonial Police. In January, Perrier was removed from office and the rest of these first magistrates were to go as soon as more capable persons could be found to replace them. There was, too, early in 1859 an almost complete turnover in constables. The McGowan War also corresponds with the decline of the gold fields on the lower Fraser. During that winter there was an exodus of miners from this region and the Colony was in a relative state of tranquillity until the riches of the Cariboo were revealed in 1860. By that time a competent staff of officials was settled in the Colony, ready to cope with the new wave of gold seekers. In the Cariboo rush, prospectors from Great Britain and Canada who were intermingled with the California miners, seemed to give the Colony a more law abiding tone. There also appeared a small settled population which demanded more efficient police protection. The confusion of 1858 gradually gave way to order and stability. There were to be no more "McGowan Wars".
For almost a year after the turmoil at Yale came to a close it was debated whether or not a large police force, organized along military lines and centrally controlled, should be raised to police the gold fields of British Columbia. The chief advocate for a force of this nature was Chartres Brew, whom Lytton had selected to assist Douglas in organizing a police force. Brew arrived in Victoria in November, 1858, after a perilous voyage on which his ship was completely destroyed by fire.\(^1\) He was most anxious to proceed with the task which he was sent over to do, especially after the Channell-Perrier episode revealed the pitiful state of the police. The obstacles he encountered, however, finally convinced him he would have to abandon the project. The Colonial Police never became organized along military lines and never were centrally controlled. Brew, however, who actually became one of the magistrates of British Columbia, signed all official correspondence with the letters, C.I.P. (Chief Inspector of Police) after his name. It is probable that it is from this anomaly that popular opinion has claimed Chartres Brew as Head of the British Columbia Colonial Police.\(^2\)

Chartres Brew had been carefully selected. When Lytton informed Douglas that he had sent a Chief Inspector of Police to British Columbia, he described the appointee as "the most experienced and trustworthy person I could select among the Irish Constabulary (a body of men peculiarly distinguished for efficiency)."\(^3\) Brew was born in Corsfin, County Clare, Ireland in 1815 and joined the Royal Irish Constabulary in 1840. He served

\(^1\) Brew to Douglas, 11 November, 1858, Brew Letters, I.S., Archives of B.C.


\(^3\) Lytton to Douglas, 16 October, 1858, B.C. Papers, Part I, p. 70
with the British Army in the Crimean War and afterwards resumed his career in the famed Irish Force. Brew held the rank of Inspector when Lytton selected him to be Chief Inspector of Police for British Columbia.

On his arrival in November, 1858, Brew expected that he would take charge of the police already established in the Colony. It was his wish to form "a body of men well disciplined, well armed, and well drilled, whose general duties would of course be as peace officers, but in required, prepared to take the field as soldiers". After preliminary discussion with Douglas he left for the Mainland to determine the nature and composition of a police force for duty in the gold fields.

Brew's first proposal was to raise a force of 150 men. This was an estimate for a force to be ready by spring when a large immigration was expected. The force was to be recruited, trained and equipped in the gold fields. He advised embodying a part of the force immediately and suggested that no time be lost in commencing to erect barracks and taking measures to provide clothes and equipment for the men. The expense involved caused Douglas to reject Brew's proposal. Since a good man could not be had at the time for less than $3.25 a day, to pay a force of this size would have cost the Colony almost $200,000 a year. The cost of erecting barracks and providing arms, clothing and equipment would have augmented this figure considerably. The total colonial revenue in 1858 was approximately $100,000 and in 1860, about $200,000. The next year began an era of deficits which when Douglas retired in 1864, amounted to $80,000.

4 Brew to Douglas, 11 November, 1858, Brew Letters, B.C., Archives of B.C.
5 Brew to Douglas, 11 December, 1858, ibid.
Douglas believed the Colony of British Columbia could ill afford an expensive police force and for this reason withheld his consent for Chartres Brew to implement his plan. 6

Apart from the expense, Douglas doubted whether an effective police force could be raised from the gold mining population. In place of Brew's plan Douglas suggested that the Imperial Government be requested to send to the Colony, sixty of the Irish Constabulary complete with arms and equipment. This body of men would serve as a nucleus for the larger force, the balance of which was to be raised over a period of time in the Colony. Further, he felt that the entire force should be armed and equipped at the expense of the British Government. 7 After the Yale disturbances, Douglas gave up the idea of recruiting any constables in the Colony and asked the British Government for 150 instead of sixty men from the Royal Irish Constabulary. 8 Brew was attracted to Douglas' proposal for now he too, realized the difficulty of forming a police force from the material afforded by gold rush conditions:

With reference to your Excellency's communication regarding the expediency of obtaining from Ireland a Body of the Irish Constabulary fully armed and equipped...I urge that course to be adopted by the Government.

The police force in British Columbia must be an armed corps otherwise they would be powerless in a country occupied by armed Indians and by an unruly mining population who may be said to be armed to the Teeth. 9

The Colony's request eventually reached the Inspector General of the

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6 Douglas to Lytton, 27 December, 1858, British Columbia Despatches to Downing Street, MS., Archives of B.C.


8 Douglas to Lytton, 8 January, 1859, ibid.

9 Brew to Douglas, 29 December, 1858, Brew Letters, MS., Archives of B.C.
Irish Constabulary who asked for more information on the composition of the force and the conditions of pay and allowances. Chartres drew up a detailed plan outlining the ranks required and the proposed rates of pay. Brew's plan called for two sub-inspectors, six head constables, twenty-five constable sergeants and 117 sub-constables. The superior ranks were to be filled by ex-army officers residing in the Colony. The constables were to be between twenty-one and thirty-five years of age and preference would be given to married men. Head constables were to receive ten shillings a day, a sergeant, nine shillings and a sub-constable eight. The men were to be required to feed themselves but were to be provided with lodging and one suit of clothing annually. At the end of six years' service in the Colony they were to receive a free grant of six acres of land. Whether or not these terms were generous enough to attract the required number of volunteers, was never determined for the whole scheme came to nought when the Imperial Government refused to undertake any part of the expense. 10

After this Douglas avoided further discussion on enlarging the police force. He felt the need for enlargement to diminish as he saw the naval and military forces in the Colony increase. Much to Douglas' satisfaction, Lytton managed to have the Admiralty increase the number of British warships on the Pacific Station. 11 In October, Admiral Baynes arrived at Vancouver Island in his flagship the Ganges and remained for about two months. In February, the Tribune and Clydes arrived at Esquimalt with

10 Douglas to Lytton, 2 July, 1859, B.C. Despatches to Downing Street, [MS.], Archives of B.C.

11 Lytton to Douglas, 2 September, 1858, B.C. Despatches from Downing Street, [MS.], Archives of B.C.
150 supernumerary marines. A part of this force was stationed at Queenborough (New Westminster). Also the presence of the Royal Engineers gave Douglas added assurance that he could deal with any major disturbance. He decided to continue with his original plan for a small police force and to use the military if emergencies should arise. The Colony would be well served and at less expense.

The large proportion of Americans in the population of the gold fields also influenced Douglas' views on enlarging the police force. As long as the American portion was dominant it would be difficult to recruit a large force without including some Americans in it. Douglas wished to avoid this for it appeared to him "a most dangerous policy to put the sword in the hands of aliens who have no love for British Institutions and might turn it against the government whenever it suited their purpose". The gradual increase of British immigration into the Colony would supply enough recruits to comprise a small force. Moreover, Douglas felt that the British immigrants were giving the population a more stable and law abiding character and a greater degree of cooperation with the police could be expected. Thus the idea of a large force controlled by a central police head, became less important to Douglas as time went on.

Brew, however, was adamant. Not unnaturally, he wished to have all the constables in the Colony under his supervision. While he was waiting for a decision on the proposal to have men from the Irish Constabulary sent to the Colony, he was employed by Douglas in various administrative positions. But he could not forget the purpose for which he was sent to the Colony; the organization of the police remained uppermost in his mind.

12 Douglas to Lytton, 2 July, 1859, op. cit.
Brew proved himself more valuable to Douglas in other positions than as an Inspector of Police. Soon after Brew's arrival Douglas had planned to remove Richard Hicks from Yale and appoint Brew in his place. "This arrangement", he explained to Lytton, "will not interfere materially with Mr. Brew's other duties while to me it will afford an incalculable degree of relief as I implicitly can rely on Mr. Brew's firmness and integrity". Brew declined the appointment on the grounds that it would hinder him in carrying out his duties as Chief Inspector of Police. After the Whannel-Perrier embroil, however, Douglas prevailed upon Brew to accept the appointment of Chief Gold Commissioner. The office was to be only a temporary one and Brew understood that in due time he would undertake the superintendence of the police force.

Brew entered upon his new duties with a characteristic sense of responsibility and a determination to bring some measure of order and regularity into the administration of the gold fields. His main duties as a gold commissioner were the collection of the miner's tax and the settlement of claim boundaries. The former was a wearisome duty, for many of the claims were so unremunerative that the expense of working them frequently left the miners with insufficient funds to pay the license fee. Considerations shown toward these unfortunate ones evoked complaints and excuses from many who were able to pay. Brew covered the entire gold fields by canoe and on foot in an endeavor to establish uniformity in collection of the tax. He accepted reasonable excuses for non-payment.

13 Douglas to Lytton, 4 February, 1859, B.C. Despatches to Downing Street, MS., Archives of B.C.

14 Brew to Moody, 12 January, 1859, Brew Letters, MS., Archives of B.C. In February, 1859, Brew established his headquarters as Chief Gold Commissioner at Fort Yale displacing Hicks (assistant gold commissioner). Except for the short period, February to April, 1859, the office of Chief Gold Commissioner was not filled; other magistrates were appointed Assistant Gold Commissioner, or simply Gold Commissioner.
but dealt sternly with those he suspected of fabricating excuses for evading the tax. His personal supervision facilitated the collection incalculably.\textsuperscript{15} Although he personally objected to the license system on the grounds that it was not equitable, he was prepared to adopt coercive measures to obtain payment if so ordered by the Governor.\textsuperscript{16}

In settling disputes arising over boundaries of claims, Brew achieved considerable success and won a reputation for impartiality and sagacity. The miners at Hill's Bar had been particularly troublesome owing to the richness of the claims and the possession of a special code of rules. The result was that innumerable misunderstandings arose. The settling of these disputes was a serious matter, for feelings ran high when valuable claims were at stake. Considering the difficult conditions at Hill's Bar, it is significant that Brew won the admiration and respect of the miners there. The following letter, signed by more than eighty residents of Hill's Bar, is perhaps the best of many tributes we have to Brew's character:

Your discriminating judgment and practical sagacity have been evinced in many exciting questions wherein the rights of miners have conflicted. In their settlement, honesty and common sense were the prominent characteristics of your decisions, and for them, sir, we desire to thank you. The habits and customs of immigrants to new countries - particularly gold-bearing countries - are so diversified, that is is indeed one of the most difficult things for those in power to met out justice to all, and not incur the enmity of some. To do so is the act of no ordinary mind, and evinces an intimate knowledge of human nature. You have done the first, sir, and not only avoided the latter, but have retained the kind feelings and respect of all.\textsuperscript{17}

\textsuperscript{15} E.H. Sanders to Brew, 30 April, 1859, Sanders Letters, [i.e., Archives of Victoria].

\textsuperscript{16} Brew suggested to Douglas that it be replaced by an export duty on this system was introduced by Governor Seymour. See F. W. Bowby, \textit{The Early History of the Fraser River Mines}, Victoria, Charles Langfield, 1928, p. 115.

\textsuperscript{17} Victoria Weekly Gazette, 4 June, 1859.
While Brew was acting as Chief Gold Commissioner he did not exercise control over all of the constables in the Colony, but only over those at Yale. The rest of the constables remained under the control of the magistrates in whose districts they were stationed.

As the spring of 1859 wore on and Douglas still failed to make any decision regarding the police, Brew brought the matter to his attention. On April 11, he requested to be relieved of his position as Gold Commissioner in order that he could undertake the organization of a uniform system of police in the Colony.\(^{18}\) He received no reply to his request but in the weeks that followed he lost no opportunity to remind the Governor that he had been commissioned to serve in the Colony as Chief Inspector of Police and not as Chief Gold Commissioner.\(^{19}\) His efforts ended in apparent success at the end of May, 1859, when he was authorized to resign his acting appointment and to undertake the exclusive management of the police force.\(^{20}\) However, the authority that Douglas gave with one hand he took away with the other. He informed Brew that the constables' rate of pay was to be "very considerably reduced", and that only such number of constables was to be employed as was absolutely and indispensably necessary.\(^{21}\) Brew's enthusiasm was not dampened outwardly by these restrictions. He now asked to be supplied with a horse for travelling to the different stations for the purpose of organizing the police on an efficient and economical basis. This Douglas refused. There was no

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18 Brew to Young, 16 April, 1859, Brew Letters, MS., Archives of B.C.

19 Brew to Young, 21 May, 1859, ibid.

20 Young to Brew, 31 May, 1859, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.

21 Young to Brew, 17 June, 1858, ibid.
necessity, he wrote, for incurring the expense of "travelling all over the country", for the reports from all quarters were satisfactory. A request from Brew for an office for conducting the administrative affairs of the police, was completely ignored.

For a few months Brew attempted to direct the police force in the face of the negative attitude of Governor Douglas. By October, he decided there was no point in continuing the struggle and offered to accept a position as magistrate at New Westminster:

If his Excellency the Governor be of opinion that the Colony as yet is not prepared to permit the working of the small and scattered body of Constables from one central head or that the duty of conducting the department is insufficient at present fully to employ the time of one officer I beg leave to state that I am willing if so ordered to take up my quarters at New Westminster as the Capital of British Columbia and to undertake the duty there of Chief Magistrate in addition to the duties of Head of the Police Department of the Colony. And I...suggest by this arrangement the services of a magistrate can be spared for employment in some other part of the country.

If Brew entertained any hope that he could direct the police force of the Colony from the capital, he was soon disillusioned. He was not authorized to approve expenses without first referring them to the Governor. If a magistrate felt it was necessary to appoint an extra constable or to increase a constable's allowance, he was to refer the matter to Brew, who, in turn, had to refer it to the Governor. The procedure was awkward and slow and it was not long before the magistrates found it was more satisfactory;

22 Brew to Young, 29 June, 1859, Endorsement signed J.D., Brew Letters, MS., Archives of B.C.


24 Brew to Young, 24 October, 1859, ibid.
to make their own arrangements with respect to the police directly with the Governor through the Colonial Secretary. The newly born Colony was not yet ready for a Chief Inspector of Police.

As magistrate at the capital of the Colony, Brew was, in a sense, the most important police official in British Columbia. However, he did not control the police in districts other than his own. His position with respect to the administration of police matters was thus similar to that of the other magistrates in the Colony. In November, 1864, seven months after Governor Seymour arrived in British Columbia, Brew was asked for an estimate of the expenses for police and jails in the Colony. He replied, "The management of police and prisoners in other parts of the Colony is not conducted through me."  

In addition to his magisterial duties at New Westminster, Brew was Acting Colonial Treasurer from 1862 to 1864 and during six months of that period was also Acting Chief Commissioner of Lands and Works. In 1863 Brew was appointed to the newly formed Legislative Council of British Columbia. Like most of the other magistrates, Brew was also a County Court Judge.

Brew's versatility was valued highly by Governor Douglas. When Frederick Seymour became Governor of the Colony in 1864, he too, was quick to learn of Chartres Brew's capabilities. In April, 1864, the Colony was shocked by the Chilcotin massacre at Bute Inlet. Seymour

25 Brew to Young, 24 November, 1854, Brew Letters, MS., Archives of B.C.
26 New Westminster British Columbian, 7 February, 1866.
27 Ormsby, op. cit., p. 70.
28 See below, Chapter VII, pp. 90-94.
selected Brew to head one of the two volunteer forces organized to track down the Indian murderers. The Governor, who was a member of Brew's force on this very arduous expedition, wrote to the Secretary of State for the Colonies, "...I shall always look back with satisfaction to the time when I had the honour to serve under him." In 1867 Governor Seymour again called for Brew's assistance in a crisis. Great excitement had been raised in the Colony by the Grouse Creek War in the Cariboo; the authority of the police had been openly flouted in a dispute between two large mining companies. Again Seymour reported to the Home Government, "I had no alternative but to call on Mr. Brew to undertake another disagreeable, dangerous and unhealthy duty." Brew, who had been magistrate at New Westminster for nearly eight years, was transferred to the Cariboo to restore the dignity of the police in that district.

Governor Seymour was aware that Brew's health had been seriously undermined by the hardships of the Chilcotin expedition. The severe climate of the Cariboo was aggravating his weakened condition. In 1868, Seymour requested that Brew be promoted to a position with the Home Government as a reward for his selfless services in the Colony. Nothing came of his request, however Brew remained at his duties until his death on May 31, 1870, at the age of 55. The epitaph on his tombstone reads: "A man imperturbable in courage and temper, endowed with a great and varied administrative capacity, most ready wit, most pure integrity, and a most human heart." 

29 Seymour to Earl Cardwell, 9 Sept. 1864, B.C. Despatches to Downing Street, MS., Archives of B.C.
30 See below, Chapter VI, p. 80-82
31 Seymour to Duke of Buckingham, 11 January, 1868, B.C. Despatches to Downing Street, MS., Archives of B.C.
32 Loc. cit.
33 From a photograph of the grave in Barkerville, Archives of B.C.
CHAPTER IV

THE MAGISTRATES

Since the system of policing the Colony of British Columbia revolved around the magistrates as the local police authorities, a history of the Colonial Police must include a study of these officials, their careers in the Colony, and the effectiveness of their efforts.

As indicated in Chapter I, the duties of the magistrates touched almost every sphere of government activity. As one wag put it, "Is nobody competent to do anything in British Columbia except the Governor, Chief Justice, or that ubiquitous functionary 'the nearest magistrate'?" When some of the magistrates became members of the Colonial Legislative Council, established in 1863, their powers were further extended. Theoretically, a magistrate could then make the law, carry it into effect and punish offences against it. In other words, he was concurrently, legislator, executor and justice. Because such great responsibility was invested in one person, careful selection was essential in making appointments.

Douglas' progress in establishing law and order on the Mainland in 1858 had been impeded by the scarcity of suitable men for magisterial appointments. When Sir Edward Bulwer Lytton's attention was drawn to this situation, he directed to the Colony several men with appropriate qualifications. On arriving on the Pacific Coast in 1859, bearing letters of introduction from the Colonial Office, some of them did receive

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1 Victoria Colonist, 12 January, 1860.
2 Douglas to Lytton, 27 November, 1858, B.C. Despatches to Downing Street, MS., Archives of B.C.
3 For further information on the selection of these men, see Ormsby, op. cit., p. 64.
appointments as magistrates in the Colony of British Columbia.

From a confidential report which Governor Douglas made on officials, it is shown that the magistracy after 1858, earned his confidence and respect. 4 Besides Chartres Brew, two of the magistrates, Warner Reeve Spalding, and Peter O'Reilly, had previous police experience. Four, Henry Maynard Ball, Edward Howard Sanders, John Boles Gaggin and Thomas Elwyn were ex-army personnel. Andrew Charles Elliott was a Barrister at Law, and Philip H. Nind a graduate of Christ Church, Oxford. Two other magistrates, John Carmichael Haynes and William George Cox, on arriving in the Colony from Ireland bearing favorable testimonials, were first appointed constables at Yale. Boles Gaggin and Thomas Elwyn also started their colonial careers as constables at Yale.

By the end of 1859 there were six administrative districts in the Colony. At Hope, the District Magistrate was Peter O'Reilly. O'Reilly arrived in British Columbia in 1859 with a letter of introduction from Lytton and a testimonial of a good record as Lieutenant with the Dublin Revenue Police, with whom he had served for seven years and nine months. "His transactions upon all occasions were strictly honorable, and perfectly in accordance with the most strict order and integrity..." He was appointed in 1859 as Justice of the Peace and Revenue Collector. The duties of Postmaster and Sub-Treasurer were also performed by O'Reilly at Hope. 5 In 1861, O'Reilly was appointed High Sheriff and County Court Judge of British Columbia, 7 and in 1863 was also appointed to the

4 James Douglas, Confidential Report on Officers, MS., Archives of B.C.
5 Testimonial with original letter of introduction in the Archives of B.C.
6 O'Reilly to Young, 28 April, 1859, O'Reilly Letters, MS., Archives of B.C.
7 Young to O'Reilly, 26 April, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C. and Young to O'Reilly, May 10, 1861, Ibid.
Legislative Council. O'Reilly was transferred to the Cariboo as Stipendiary Magistrate and Assistant Gold Commissioner in 1862 and two years later was placed in charge of the combined Columbia-Kootenay District. He was back on the lower Fraser in the Hope-Yale-Lytton District in 1867, and in 1871, was sent to the newly formed Qnineca District. Douglas described O'Reilly as a gentleman of excellent character, high moral worth, and an able and active, resolute magistrate.

At Yale, about twenty miles up the Fraser River from O'Reilly's first headquarters, the Magistrate was Edward Howard Sanders who, like O'Reilly, had been introduced to Douglas by a letter from the Secretary of State for the Colonies. Sanders had served as an officer in the Austrian Army.

He was appointed in April, 1859, first as Assistant Gold Commissioner, and a short time later, also as Stipendiary Magistrate. By 1861 he became a County Court Judge. Sanders' district was enlarged in 1866 to include the Districts of Hope and Yale. He became Magistrate of the Lillooet District in 1867.

The first Magistrate of the Lillooet District was Thomas Elwyn, who, as previously mentioned, began his colonial career as a constable at Yale. In June, 1859, he was promoted from Chief Constable at Yale to Magistrate and Assistant Gold Commissioner at Lillooet. He received his appointment

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8 The title was often shortened to either "Magistrate" or "Gold Commissioner", and later when most of the magistrates became County Court Judges, they were referred to locally as "Judge".

9 Douglas, Confidential Report on Officers, MS., Archives of B.C.

10 Ibid.

11 See Brew to Young, 16 April, 1859, Brew Letters, MS., Archives of B.C.

12 Sanders to H. M. Bail, 6 February, 1866, Sanders Letters, MS., Archives of

13 Elwyn to Young, 22 June, 1859, Elwyn Letters, MS., Archives of B.C.
as County Court Judge in 1861. Because of his military background he was chosen to command the Gold Escort of 1861-62. In April, 1862 he again assumed magistrate’s duties, then at Quesnel in the Cariboo. In December of the same year Elwyn was obliged to resign since he wished to retain his interest in a valuable mining claim. He was re-employed in 1864 as second in command under Brew in the Chilcotin expedition, and again in 1866 as a stipendiary magistrate to accompany the Western Union Telegraph Company on a survey through northern British Columbia.

At Lytton, Henry Maynard Ball, a former British Army Captain, succeeded Captain Travaillot as Stipendiary Magistrate and Assistant Gold Commissioner in June, 1859. Ball, too, had arrived with a letter of introduction from the Secretary of State for the Colonies. He was stationed in the Cariboo for about two years, after six years of service at Lytton. Ball, a County Court Judge, was also for a short time Acting Colonial Secretary. He was in addition, a member of the Legislative Council. In 1867, he became magistrate at New Westminster. Douglas described Ball as a "shrewd, careful Magistrate, extremely methodical and correct in all his official transactions".

The fifth magistracy was at Queensborough (New Westminster). In 1859, Colonel Moody informed Douglas that, "disturbances are beginning

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14 Young to Elwyn, 10 May, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.

15 See below, Chapter V, pp. 60-61.

16 See below, Chapter IV, pp. 38-39.

17 See below, Chapter VII, pp. 90-94.

18 Elwyn was employed to preserve law and order in the company of 150 workers and to prevent trouble between them and the Indians. Half his salary was paid by the Company and half by the Government.

19 Douglas, Confidential Report on Officers, MS., Archives of B.C.
to be very frequent here and the presence of a magistrate and a few constables has now become indispensable to preserve order and protect property."\(^2\)

The cases were chiefly of a petty character but there was no one in the vicinity authorized to deal with them. In answer to Moody's request, Warner Reeve Spalding was appointed as New Westminster's first magistrate. Spalding had come to British Columbia in 1859 with the usual letter of introduction which stated that he had served with "great credit" for three years in the Mounted Police of Australia, and also as a cavalry officer in the Crimea.\(^21\)

On arriving in the Colony, Spalding had written Douglas:

"The appointment I am desirous of obtaining is that of Second in Command of the Police Corps about to be formed, the duties of which office I hope my past experience will enable me to perform to your satisfaction."\(^22\)

When Chartres Brew took over the magisterial duties at New Westminster, Spalding was appointed Postmaster there in 1860 and in 1864, he was appointed Postmaster General for British Columbia. He served for a short time as magistrate in the Cariboo in 1866 and was sent as magistrate to the Nanaimo District in 1867.\(^23\)

Not far from New Westminster the small town of Douglas carried on a brisk trade with the mining districts of the interior. The constant arrival and departure of trains of pack mules gave the place a lively atmosphere and necessitated the presence of a magistrate and constables. In April, 1859, John Boles Gaggin, an Irishman, and at one time a Lieutenant in the Royal City of Cork Militia Regiment of Artillery,\(^24\) was made Magistrate

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20 Moody to Douglas, 17 April, 1859, Moody Letters, MS., Archives of B.C.

21 Original letter of introduction in the Archives of B.C.

22 Spalding to Douglas, 28 October, 1858, Spalding Letters, MS., Archives of B.C.

23 Barkerville Cariboo Sentinel, 6 May, 1867.

24 Original letter of introduction in the Archives of B.C.
of the Douglas District. Gaggin was another of the magistrates who rose from the position of constable. He served alternately at Douglas and Quesnelle until 1866, when the District of Douglas was attached to New Westminster. Magistrate Gaggin was then sent to the Kootenay-Columbia District to work under O'Reilly. He died in office in 1867.

New administrative districts were opened up as the restless miners spread over the Colony, followed by magistrates and constables.

In 1860 a minor rush led to the formation of the Rock Creek District. William George Cox took charge of the district as Stipendiary Magistrate and Assistant Gold Commissioner. Cox, who arrived in the Colony in December, 1858, was first appointed a constable at Yale. In May, 1859, he received the appointment of Deputy Collector of Customs at Kamloops. Magistrate Cox was transferred from Rock Creek to the Cariboo in 1863. In the Chilcotin expedition of 1864, Cox was chosen to lead one of the two forces. In 1867, Cox left the Cariboo to become Magistrate at the Big Bend in the Columbia-Kootenay District. He became a County Court Judge in 1867 and in the same year was a member of the Legislative Council for Kootenay. In 1868, his position at the Big Bend was, without warning, reduced from a magistracy to a minor situation in the Customs Department. Cox resigned in a huff. William Cox seemed to have a peculiar talent for handling the rough frontiersmen. His methods, though unconventional, were decidedly effective. Cox's popularity with the miners was shown when,

25 British Columbia Blue Book, 1860, MS., Archives of B.C.
26 W. Hamley to Cox, 12 November, 1860, Hamley Letters, MS., Archives of B.C.
27 Brew to Moody, 20 February, 1859, Brew Letters, MS., Archives of B.C.
28 Hamley to Cox, 30 May, 1859, Hamley Letters, MS., Archives of B.C.
29 See below, Chapter VII, pp. 90-94.
30 Cox to Young, 6 May, 1869, Cox Letters, MS., Archives of B.C.
31 Loc.: cit.
on leaving the Cariboo, he was presented with an elegant rosewood cane, valued at $250.

In the spring of 1860, the news of rich strikes along the upper Fraser attracted a large population to the neighborhood of Fort Alexandria. The Alexandria District was then opened, under the supervision of a newly appointed magistrate, Philip Henry Nind, who was introduced to Douglas by a letter from Lord Carnarvon. Nind received a commission as County Court Judge in 1861. He left Alexandria in 1862 when he was granted nine months leave of absence. Alexandria was then divided into the Districts of Cariboo East and Cariboo West. The region was again reorganized in 1865 into the Districts of Cariboo and Quesnelle. Nind was magistrate at Douglas in 1864. In 1865 and 1866, he was in charge of the Lytton District where he resigned his government position in 1866. Douglas wrote of Nind that he was "a gentleman of good character, fair abilities, and efficient as a magistrate".

The main port of entry along the southern boundary of the Colony was Osoyoos. When in 1864, a large influx if miners was expected through this border point, the area was established as a magistracy. John Carmichael Haynes was the first magistrate of the Osoyoos District. First a constable at Yale in 1859, Haynes was appointed Revenue Officer in the same year. He was sent to help Cox in 1860 in the Rock Creek District then holding the appointment of Deputy Collector of Customs. In 1861 he was transferred in the same capacity to the Osoyoos District (Similkameen) and in 1864,

32 Douglas, Confidential Report on Officers, MS., Archives of B.C.
33 Young to Nind, 9 July, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
34 Douglas, op. cit.
was appointed Justice of the Peace. Later the same year Haynes was ordered to the Kootenay District still keeping Osoyoos under his supervision. In 1864 and 1866 he was a member of the Legislative Council. As Magistrate and County Court Judge, Haynes presided over the Columbia in 1866, and during the period of retrenchment in the civil service, from 1867 to 1869, he was back at Osoyoos as Deputy Collector of Customs. Haynes again became a magistrate in 1870, then in charge of the Kootenay District.

The Kootenay District, established as a magistracy in 1864, was combined with the Columbia District in 1866, forming the Columbia-Kootenay District. Magistrates Haynes and Gaggin were appointed under Magistrate O'Reilly to supervise this extensive area. Owing to the failure of the Columbia mines in 1868, that portion of the magistracy was closed. From 1868 to 1870 the Kootenay was supervised mainly by the Chief Constable of that District. In 1870 a magistrate was again appointed to take charge there. On the union of the Colonies, the District of Nanaimo became part of the Colony of British Columbia. There were no new magistracies formed until 1871 when O'Reilly was sent to the Omineca as Stipendiary Magistrate and Gold Commissioner.

Although a great part of the magistrates' duties were of a legal nature, the only magistrate in the Colony with legal training was Andrew Charles Elliott, who arrived in British Columbia late in 1859. In 1860, Elliott was appointed County Court Judge, and in 1861, Stipendiary Magistrat

35 A.N.A.Haynes, 14 June, 1864, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
36 Haynes to Hankin, 20 April, 1871, Haynes Letters, MS., Archives of B.C. In this letter, Haynes' record of service is outlined from 1864 to 1870.
37 O'Reilly to Hankin, 20 March, 1871, O'Reilly Letters, MS., Archives of B.
and Assistant Gold Commissioner for the Lillooet District,\textsuperscript{38} where he remained almost continuously until 1867. Elliott resigned his magisterial duties in 1867 at Lillooet, when he was appointed High Sherriff of British Columbia.\textsuperscript{39} Andrew Charles Elliott is chiefly remembered as one of the early premiers of the Province of British Columbia.

Following in the wake of British Columbia's sporadic gold rushes, the magistrates became well acquainted with the Colony and its people. At the same time, their movement from place to place tended to keep the magistrates aloof from local interests and factions. It likewise discouraged investments and speculation. In 1861, when rumours of land speculation were circulating in the Colony, Douglas's investigations revealed that the magistrates were not seriously implicated although higher officials were deeply involved.\textsuperscript{40} The magistrates also had a clear record with regard to speculation in mining claims. There was strong public feeling against government officials' investing in mining claims and Governor Douglas explicitly prohibited it.\textsuperscript{41} Only one magistrate, Thomas Elwyn, as previously mentioned acquired an interest in a mining claim and he was forced to choose between resigning his government position and forfeiting his claim.\textsuperscript{42} Elwyn chose the former, and forwarded his letter of resignation:

\begin{quote}
My attention has been directed to an article in the "British Colonist" of the 21st September headed "Should judges speculate mining claims?" I...feel that the arguments used in the article...are correct and have...always considered that a Gold Commissioner, by having anything to do with claims placed himself in a false position.

I beg therefore to report...that I own a share in a claim on Williams Creek, that the claim
\end{quote}

\textsuperscript{38} Young to Elliott, 8 July, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
has of late become so valuable that I cannot in justice to myself abandon it and that therefore should His Excellency consider that a Gold Commissioner has no right to hold a claim I am prepared to resign my appointment, feeling...that it is due to His Excellency that against an officer honored by him with so great a trust, the slightest ground of complaint should not exist. 43

Evidently, Elwyn's intentions were strictly honorable. It is interesting to note that while he held both his claim and his office his integrity as a gold commissioner was not questioned by the miners: of the more than 120 mining disputes over which he presided during that season, only two were appealed and in each case his decision was upheld in the Supreme Court.

The conduct of the gold commissioners' work in the Colony of British Columbia was indeed commendable. Few frontier gold mining areas can match British Columbia's record in honest administration of gold fields. Because of the magistrates' reputation for honesty and uprightness, and because of their extensive knowledge of the country and their general competence, they were generally held in high esteem both by the Governor and the colonists. In the Colonial Legislature, the magistrates, more than any other group, possessed the confidence of the people. 44 Judge Begbie, who

39 B.C. Blue Book, 1867, MS., Archives of B.C.
40 See Pettit, op. cit., p. 189.
41 See below, Chapter V, p. 66.
42 Elwyn was not actually forced to resign as his letter of resignation was dated the same day as was Douglas' circular letter to the magistrates stating that officials could not retain mining interests and remain in the government service.

43 Elwyn to Young, 30 October, 1862, Elwyn Letters, MS., Archives of B.C.
44 Barkerville Cariboo Sentinel, 23 August, 1866.
often came in contact with the magistrates valued both them and their work highly:

...I think His Excellency & the public have every reason to be satisfied with the services rendered. Those services could not be rendered without a degree of exertion and personal hardships undergone, which perhaps a bare sense of simple duty would not always require, and which, certainly are not elicited by an extraordinary remuneration or immediate reward; and which can therefore only be attributed to an anxious desire in every officer to do his very utmost in his own department, to the sacrifice of his ease and comfort & very often of his health.

When the magistrates visited Victoria or New Westminster, there were, undoubtedly, gay social occasions which must have contrasted strangely with their life in the remote districts. At their headquarters hundreds of miles apart, the magistrates were the sole representatives of the Government in isolated communities. The various activities which fell to the lot of an isolated magistrate and gold commissioner may be gleaned from the following requisition list submitted by Peter O'Reilly when he arrived in the Omineca District in 1871:

- County Court Forms;
- Magistrate's Forms;
- Treasury Forms;
- Mining Licenses;
- Leave of Absence Forms;
- Trade Licenses;
- Spirit Licenses, Wholesale and Retail;
- Tape Line 100 feet;
- Gold Scales;
- one Flag and Halliard;
- two door locks and hinges;
- two press locks and hinges;
- four pairs of handcuffs;
- two pairs of leg irons;
- one tent;
- one axe;
- Brown's County Court Practice and O'Keefe's Magistrates' Synopsis.

"...four pairs of handcuffs; two pairs of leg irons....", yes, the magistrates were also the police. They hired constables, assigned them duties,

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45 Begbie to Young, received 19 January, 1863, Begbie Letters, MS., Archives of B.C., cited in Pettit, op. cit., P. 128

46 O'Reilly to Hankin, 20 March, 1871, O'Reilly Letters, MS., Archives of B.C.
and released them if and when necessary. In all cases the magistrates reported their actions to the Governor who rarely found reason to disagree with their decisions. In 1864, the Governor directed that all appointments of constables were to be made by him but the magistrates continued to make recommendations and in most cases were able to select their own constables with the appointments being confirmed by the Governor. In most instances of criminal apprehension, the magistrate's part was limited to organizing a body of constables or special constables to track the wanted criminal. His numerous other duties usually prevented him from taking a more active role.

The opening of the Cariboo District under Magistrate Nind, affords a good example of the general approach of a magistrate to the work of law enforcement. Several of the lawless characters who had been located on Hill's Bar, left for the new gold fields of the Cariboo. Those miners who had found rich claims were afraid that these Hill's Bar rogues would band together and take over their ground. The honest miners were therefore anxious for a gold commissioner to be located at Fort Alexandria for they were not prepared to enter into operations of any magnitude until they were satisfied that their claims would be protected.

In consequence of the high cost of provisions in the Cariboo, the onerous duty of policing rich gold fields, and the temptation to turn to gold mining, Nind had some difficulty in finding a suitable man to accompany him as constable. He finally selected William Pinchbeck, who had been recommended to him by Magistrate O'Reilly, to be his Chief

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47 See below, Chapter V, p. 56.

48 Ball to Young, 6 April, 1860, Ball Letters, MS., Archives of B.C.
Shortly after Nind's arrival in Alexandria he found it necessary to hire a second constable. The appointment was given to Charles I. Seymour, "a gentleman from Canada with whom I had been previously acquainted and one well fitted to discharge the duties of the situation". Seymour was sworn in on September 1, 1860. His salary was $100 a month.

As the district was very large and the rich diggings scattered, trouble makers had been able to carry on their activities with impunity. About 30 miles above Alexandria, the rich diggings on Ferguson's Bar had attracted a large number of miners who were terrorized by a few desperadoes. The ringleader was Moses Anderson, a desperate fellow who had been one of Walker's filibusters in Nicaragua. Two nights before Nind's arrival at Ferguson's Bar, Anderson had raised great indignation among the miners by shooting an innocent young Indian. Nind offered a reward of $50 for the apprehension of Anderson. A Canadian named Isaac Holden was sworn in as special constable and given a warrant for Anderson's arrest. Although he was not captured, Anderson never again appeared on Ferguson's Bar. Law had come to the Cariboo!

There had been other cases of violence at Ferguson's Bar. Two notorious characters named James Joyce and John McCloud had been particularly

49 Nind to Young, 23 July, 1860, Nind Letters, MS., Archives of B.C.

50 Nind to Young, 17 October, 1860, ibid.

troublesome. McLoud managed to make his escape although a reward of $100 had been offered for his capture. Joyce was arrested by Constable Pinchbeck and committed for trial for robbery and threatening violence. Had the constable not been there to prevent it, Joyce would have been hanged to the nearest tree. The miners on Ferguson's Bar expressed their gratification at Nind's arrival and the consequent establishment of law and order in the district, in the following address:

Sir, We...beg to congratulate you on your safe arrival at this Bar, and feel pleasure in finding that we are still not altogether neglected by Her Majesty's Government, in so far as furnishing us with your protection so much needed as late outrages can testify...we hope that similar occurrences will not take place in future, and pledge ourselves to assist in carrying out the administration of justice for our mutual safety as in duty bound.

During the winter of 1860-61, rich diggings were found in the Antler Creek area about 60 miles from Williams Lake where Magistrate Nind had his headquarters. In some cases different parties had staked the same ground. In the ensuing excitement, the disputing claimants drew weapons to settle ownership of the claims but they were finally prevailed upon to await the arrival of the Gold Commissioner. For six days Nind remained at Antler Creek and Keithley's Creek settling mining disputes. In every instance his judgment was accepted.

These experiences of Nind in the early days of the Cariboo gold rush, were similar to those of other magistrates elsewhere in the Colony. Before

52 Nind to Young, 17 October, 1860, op. cit.
53 loc. cit.
54 Nind to Young, 27 March, 1861, Nind Letters, MS., Archives of B.C.
law and order were well established in the Colony and with only one or two constables to assist them, they had to uphold the administration of justice in the eyes of the Indians and the often unruly miners. The magistrates were required to be men of more than ordinary ability for the circumstances of their positions compelled them to rely heavily on their personal influence to preserve tranquillity in the mining camps.

Notwithstanding the large districts in which the magistrates were responsible for keeping order, and the small number of constables at their disposal, Governor Douglas never failed to question peremptorily any breach of the peace no matter what the circumstances. On one occasion, 100 destitute miners boarded a boat at Douglas and demanded free passage to New Westminster. The master of the vessel applied to Magistrate Gaggin for advice and was told to take the miners on to New Westminster and there apply to the proper authorities for redress. When the incident was reported to Douglas he expressed strong disapproval of Gaggin's action:—

His Excellency...regrets the occurrence...and is unable to discover from your report that any efforts were made by you to maintain order, and to afford the protection of the Law, to the Master of the Boat. On receiving his complaint it was your duty to have afforded that protection. An officer should have been sent on board with orders to take any person into custody charged by the Master with the offence complained of, and if resisted the officer should have accompanied the boat to New Westminster, and executed the warrant there, through the aid if requisite, of a military force. Or else...a special messenger might have been dispatched to New Westminster for assistance to carry out the law, which must in all cases be enforced in what ever[sic] circumstances you may find yourself placed.

The predicament in which Gaggin found himself on this occasion reflects the difficulties experienced by the magistrates in other districts, in

55 Young to Gaggin, 20 June, 1862, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
enforcing law in the Colony. On the one hand they were expected to keep
order in a gold mining community and faced Douglas' displeasure when any
breach of the peace occurred; on the other, they were allowed the support
of usually not more than two or three regular constables. They were
told to spare no expense when it came to enforcing the law; yet they had
to keep the expense of administering their district to a very minimum.
Under such a system of law enforcement the magistrates had to depend
largely upon the respect and confidence of the populace to maintain order
in their districts.

Until the end of the colonial period the magistrates retained their
powers and prestige. In 1865 there were nine of these officials drawing
yearly salaries between £400 and £500. When a demand arose in 1865 to
reduce the number of civil officials, the magistrates were subject to a
good deal of attention. The situation resolved itself. In the course
of the next two years, the failure of the Columbia and Kootenay gold
mines left Cariboo the only district where a gold commissioner was re-
quired. Thereafter the ranks of the magistrates were gradually reduced.
Nind, who had been at Lytton, resigned in 1866; the same year Cox resigned
and went to live in California; Elkott resigned as magistrate at Lillooet
to become High Sheriff of British Columbia; Boles Gaggin died in office
in 1867 and was not replaced. After Brew's death in 1870, there were
only four stipendiary magistrates on the Mainland, namely, O'Reilly,
Sanders, Ball and Haynes.

When the conditions under which British Columbia was to join the

56 New Westminster British Columbian, 7 February, 1866.
Dominion of Canada were under discussion, considerable attention was focused on the position of the stipendiary magistrates. Some of the duties performed by the magistrates were, according to the British North America Act of 1867, found to fall under Dominion jurisdiction; others pertained to the Province. Governor Anthony Musgrave, who became Governor of British Columbia on Frederick Seymour's death in 1869, was concerned over the fate of the magistrates on Confederation. In a letter to the Secretary of State for the Colonies, he indicated the uncertain positions of the magistrates under the British North America Act and went on to pay them a well earned tribute:

The stipendiary magistrates form another class of officers who, notwithstanding their value would almost certainly be disturbed in their appointments on the introduction of Responsible Government... I think that as a rule these appointments are singularly well filled, and I regard the successful administration of this government and the remarkable maintenance of law and order as compared with the neighbouring territories as mainly due to the services of these officers.57

By the final terms of agreement, the magistrates' futures were protected:

Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided for those of her Majesty's servants in the colony, whose position and emoluments derived therefrom would be affected by the political changes on the admission of British Columbia into the Dominion of Canada.58

After Confederation, however, it was found that, in the interest of the country, no change should take place in the employment of the magistrates.

57 Musgrave to G.L.G. Granville, second Earl, 17 November, 1870, B.C. Despatches to Downing Street, MS., Archives of B.C.

They became paid servants of the Dominion Government but continued to discharge all the functions as they did prior to Confederation. In other words, they were still County Court Judges, Indian Agents, Assistant Commissioners of Lands and Works, Collectors of Revenue, and general Government Agents. Consequently, British Columbia then received the benefit of the magistrates' work without any cost to the Province. Notwithstanding the economy of this plan, dissatisfaction was expressed in the Legislative Assembly with the magistrates' services as County Court Judges. In due time they were superceded in this phase of their work by men more learned in the law.59 Others of their duties were eventually taken over by Indian Agents, Revenue Officers, Provincial Government Agents and Chief Constables. The last mentioned became the local police authorities under a Provincial Superintendent of Police. Where there were no Chief Constables, the Provincial Government Agent was the district police authority reporting to the Superintendent on all police matters. Gradually the old colonial office of "Stipendiary Magistrate and Gold Commissioner" disappeared. The office of "Gold Commissioner" continued to involve extensive judicial powers until these powers were officially repealed by the Mineral Act of 1897.60

59 Victoria Colonist, 3 August, 1873.

CHAPTER V

COLONIAL CONSTABLES

Although six of the ten colonial magistrates received their appointments without having served as constables, after 1861, it was understood that if any new magistrates were appointed, they would be selected from the constabulary. That the constables were considered potential magistrates is indicative of the type of men who were employed. They came from various parts of the British Empire. Some were ex-members of the Royal Engineers, disbanded in British Columbia in 1863; others were pensioners from the British Army, attracted by the adventure and excitement of a gold colony. At least three men who had previously served as policemen in Australia, and three ex-members of the Royal Irish Constabulary, found their way into the British Columbia Colonial Police. However, for the majority of the colonial constables, there is no record of their having previous police or military training.

A colonial constable was required to be intelligent and trustworthy, to keep accounts accurately and write legibly. Fortunately, after 1858, there was no longer a dearth of men who could meet these requirements. With the wider choice available, more discrimination could be used in appointing constables.

The most outstanding of the colonial constables for devotion to duty, length of service, and success in his career, was William H. Fitzgerald. Fitzgerald came to British Columbia from Canada, and, oddly enough, appears to have had no previous police or military training. In 1860, he was in the public service as Chief Constable at Lytton.¹

¹ Victoria Colonist, 9 May, 1873.
When Magistrate Cox went to the Cariboo in 1863, he arranged to have Fitzgerald accompany him as his chief constable. By that time, Fitzgerald was already known for his "steadiness of character, knowledge of languages and efficiency in the discharge of his duties". In the Cariboo his success in tracking criminals gave him a colony wide reputation. At Quesnel, when two Indians accused of murder escaped from jail, the excited citizen contemplated petitioning Magistrate Cox to "loan us Mr. Fitzgerald, that very efficient and able constable....".

In 1869 the first rich strikes were made in the Omineca District and by 1870, it was considered necessary to send a government representative to the new District. Fitzgerald was chosen for the job. Brew, who was then magistrate in the Cariboo said, "I know that he has a hard task before him but I rely confidently on his determination and discretion".

Trouble was threatening to break out between the white miners and the Indians of the Omineca but Chief Constable Fitzgerald managed to pacify both parties. Soon after, the Indians attempted to drive off a party of Chinese miners located on Germansen Creek. Again Fitzgerald arrived at the scene in time to prevent further trouble.

William Fitzgerald's valuable services were finally rewarded in April, 1872, when the British Columbia Government confirmed his appointment as Gold Commissioner and Stipendiary Magistrate for the Omineca District.

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2 Cox to Young, 28 April, 1863, Cox Letters, MS., Archives of B.C.
3 See below, Chapter VI, pp. 72 and 74.
4 New Westminster British Columbian, 5 May, 1866.
5 Brew to Hankin, 17 March, 1870, Brew Letters, MS., Archives of B.C.
6 Victoria Colonist, 4 December, 1870.
He served in this position for only a year for he died in 1873 from a heart ailment.  

Besides Fitzgerald, three other colonial constables were appointed Gold Commissioner and Stipendiary Magistrate after Confederation. One of these was Arthur W. Vowell, the son of a prominent Irish lawyer, and an ex-lieutenant in the Irish Militia.  

Vowell was in the colonial government service in 1864 and in 1865 was sent to the Columbia as a constable. The next year he became a chief constable in the Columbia where he remained in the same capacity until 1872 when he received an appointment as Magistrate for the Kootenay. He subsequently served as a gold commissioner in the Omineca and Cassiar Districts. Vowell left the government service temporarily in 1875-76 to enter provincial politics and was returned for Kootenay in the summer of 1875. As a gold commissioner, Vowell won a reputation for the impartiality and correctness of his decisions. The following address was presented to him by the miners of the Omineca:—

We the undersigned Miners and Residents of Omineca hearing with deep regret that you have been called to the performance of more important duties...present...our heartfelt expression of esteem for yourself personally and for the manner in which you have discharged your duties as Gold Commissioner and Magistrate while in charge of this district.

Constable John Howe Sullivan was also promoted to the office of Gold Commissioner but unlike Fitzgerald or Vowell, he received his promotion

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7 Fitzgerald's was the first Masonic funeral in Northern B.C. Walkem, Stories of Early B.C., pp. 198-199.
8 Ormsby, op. cit., p. 71.
9 Ball to C.G. Prichard, 27 March, 1865, Colonial Secretary's Official Letterbook, MS., Archives of B.C.
10 Victoria Colonist, 4 December, 1870
without having served as a chief constable. He was first appointed in November, 1864, as constable and jailer at Quesnel under Magistrate Gaggin. In 1866 Sullivan was transferred to Richfield where he served as a mining recorder. On his resignation in the Cariboo in 1872, he became "Warden of the Gaol and Superintendent of Police" in Victoria, and in May, 1875 was promoted to Gold Commissioner in the Cassiar District. In November of the same year, Sullivan was drowned on a voyage to Ireland.

Stephen Redgrave was another colonial constable who later became a magistrate. Although he did not figure prominently in the Colonial Police, his brief term of service shows the calibre of men who were appointed to the Force. Redgrave was an adventurous Englishman. Born in 1831 and educated at Rugby, he emigrated to Australia in 1852 where he became an Inspector with the Colonial Mounted Police of Australia. He was subsequently a sergeant in the Toronto Police and in January, 1863, a constable in the Victoria Police. The year 1864 found him in the Cariboo where he was appointed constable in August. However, he resigned in April of the following year because of the low rate of pay. Magistrate Cox, in forwarding Redgrave's resignation said, "It is with regret that I have received it and I shall much feel the loss of so valuable an officer". Redgrave again became a constable in 1876 in

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11 Gaggin to Birch, 17 November, 1864, Gaggin Letters, MS., Archives of B.C.
12 Brew to Hankin, 31 March, 1870, Brew Letters, MS., Archives of B.C.
13 Victoria Colonist, 21 November, 1872. See below, Chapter VIII, p. 102, footnote 21.
14 Ibid., 2 May, 1875.
15 Mark Sweeten Wade, The Overlanders of '62, Victoria, Charles F. Banfield, 1931, p. 158.
16 Victoria Colonist, 27 January, 1863.
17 Cox to Birch, 20 April, 1865, Cox Letters, MS., Archives of B.C.
the Cassiar District. In 1894 he was appointed Stipendiary Magistrate at Golden where he died in 1903.

Apart from the magistrates, there were only two grades of police officers, namely, constable and chief constable. At New Westminster, the chief constable was referred to as "high constable" but this title was not used elsewhere in the Colony. The office of a chief constable involved considerable responsibility as the incumbent frequently was left in charge of the district during the magistrate's absence. On these occasions he was expected to perform all of the magistrate's duties with the exception of his legal functions. The position of chief constable was considered to be the stepping stone to a magistrate's appointment. Although this ambition was realized by so few chief constables, there were several who merited the promotion.

If there had been another opening in the magistracy, James Normansell, Chief Constable in the Kootenay would no doubt have been given consideration for the position. Presumably, Normansell, a pensioner of the Royal Engineers, arrived in the Colony in 1858. He had served with the Royal Engineers for 15 years on his formal discharge in 1866 with the rank of corporal. Before his formal release from the Army, Normansell was appointed constable at Wild Horse Creek in the Kootenay District in March, 1865, and promoted to Chief Constable in June of the same year. The gold mining activity in the Kootenay was centred around Wild Horse Creek where men of the roughest sort had gathered. On several occasions Governor Seymour referred to Normansell's good work in that District. For two years after the Columbia-Kootenay magistracy was abolished in 1868, owing to the failure of the Columbia mines, the Kootenay District, although occasionally

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18 O'Reilly to Birch, 10 June, 1867, Enclosure, Sanders Letters, MS., Arc of B.C.
visited by O'Reilly and Ball, was in fact, the responsibility of Chief Constable Normansell. Governor Seymour, writing to the Secretary of State for the Colonies in 1868, said: "The great distance of the Kootenay from Headquarters and the uncertainty of communication deprived me of the opportunity of reporting...from that Quarter. I have no complaints and I am well satisfied with the Chief Constable whom I have left in that District."

In the following year he referred to Normansell as "an excellent public officer" and again, "one of the most satisfactory officers in the Colony". Normansell was still serving as Chief Constable of the Kootenay at Confederation. He died at the Royal Hospital in October, 1884.

Constables James Lindsay and Napoleon Fitzstubbs established long records of service with the British Columbia Police, first as members of the Colonial Police and later as Provincial Constables. Lindsay was a sergeant in the Royal Engineers and elected to stay in British Columbia when that company was disbanded in 1863. He served for a short time as constable in New Westminster and was one of five supernumerary constables appointed for one year in the Cariboo in 1867 following the Grouse Creek War. In 1869 Chartres Brew appointed Lindsay to the position left vacant by the resignation of one of the regular constables. In reporting the appointment he said that Lindsay had "in every way proved himself a very efficient constable".

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19 Seymour to Buckingham, 22 August, 1868, B.C. Despatches to Downing Street, MS., Archives of B.C.
20 Ibid., 20 March, 1869 and 28 April, 1869.
21 Victoria, Colonist, 16 October, 1884.
22 See below, Chapter VI, pp. 80-82.
23 Brew to Hankin, 24 July, 1869, Brew Letters, MS., Archives of B.C.
in 1871, and, in this year of Confederation, a member of the Provincial Force. At the time of his death in 1890, Lindsay was still serving in the Cariboo, at Barkerville.  

Napoleon Fitzstubbs was an ex-cavalryman who sailed from England to Victoria in a twenty ton Yawl. He went back to England but returned and decided to settle in British Columbia. Philip Nind employed him as constable, collector and jailer at the Forks of Quesnel in 1861. Fitzstubbs was desirous of obtaining an appointment as magistrate and, in Judge Begbie's opinion, he was "not at all an unfit person for the appointment". Fitzstubbs later served as a constable under Elwyn in the West Cariboo but little is known of his career from that time until after Confederation. In 1878, he was in the British Columbia Provincial Police at Atlin in the Cassiar District, and was later in charge of a body of police sent to help quell the anti-Oriental riots in Vancouver. Prior to 1897, Fitzstubbs was a Government Agent at Nelson. In that year, he became Warden of the Nelson Jail and was retired on a pension in 1900.

William H. Lowe is another constable who deserves mention. Lowe was about 23 years of age when he entered the government service as constable and collector of customs. He was stationed at Osoyoos, the port of entry through which entered most of the miners, their supplies and cattle, en-route to the Columbia region. The work of customs collection required a

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24 New Westminster British Columbia, 16 February, 1890.

25 Begbie to Young, 29 November, 1861, Begbie Letters, MS. Archives of B.C


27 Haynes to Ball (Acting Colonial Secretary), 3 May, 1866, Haynes Letters MS., Archives of B.C.
capable man since the miners were not always willing to pay customs duties. Magistrate Haynes, who was nominally in charge of the District often had to be away for long periods of time attending to duties in the Kootenay and later in the Columbia Districts. During his long absences, Chief Constable Lowe was left in full charge. Lowe served at Osoyoos from 1864 to the end of the colonial period. Little is known of his background. His name appears in the correspondence of the period mainly in connection with routine matters. There is one noteworthy item, however, the capture of Nikilplask, the elusive Indian murderer, by Constable Lowe, in the Osoyoos District. The confidence which was placed in Lowe in entrusting him with the supervision of the Osoyoos District for such extended periods shows he must have been a man of above average abilities. The Colonial Secretary referred to him in correspondence as "an excellent public officer". Lowe met with a tragic accident in 1871 while visiting in Eastern Canada. On boarding a train he fell and sustained injuries which resulted in the loss of one hand and an arm. Lowe later took up cattle raising in the Osoyoos District. He died at Keremeos in the Similkameen in 1881 at the age of 42.

The length of service for these Colonial Constables, Fitzgerald, Vowell, Normansell, Lindsay, Fitzstubbs and Lowe, was much longer than average. The records shows that an aggregate of about 150 men served in British Columbia as regular constables from 1858 to 1871. Almost one-quarter of these served for one year or less. About 35 remained in the

28 Haynes to Birch, 11 February, 1865, Haynes Letters, MS., Archives of B
29 See below, Chapter VII, pp. 89-90.
30 Haynes to Birch, loc. cit., Endorsement signed A.N.B.
31 Victoria Colonist, 30 May, 1873.
32 Ibid., 12 January, 1882.
government employ for periods of one to four years while just over 20
served for more than four years. Instances of personnel serving for a
year or less were most frequent between 1858 and 1864. After this time
such terms of service were quite rare. There were three reasons for this
trend toward longer terms of service. First, employment in the Colony was
not so plentiful as in the peak period of the Cariboo gold rush around
1862. Second, after 1864, when Seymour became Governor, a new policy
was instituted with regard to the appointment and dismissal of constables
and third, a change was made regarding the fixing of constable establishmenc.

Until 1864 the recruiting and dismissal of constables was almost en-
tirely in the hands of the magistrates who merely reported their actions
to the Governor. A slight change in this system was made in 1864 which
helped to stabilize the constables' positions. Henceforth all appoint-
ments had to be confirmed by the Governor before they became effective.33
Outwardly this made little difference for in most cases the magistrates
did the actual selecting of their constables. However, whenever a posi-
tion was open for a constable in one part of the Colony, the Governor
gave priority to experienced men from other parts of the Colony who had
been released through no fault of their own. Consequently, British Col-
umbia's small body of constables gradually came to consist mainly of ex-
perienced personnel. After 1865, the Colonial Police Force consisted of
about 18 men, most of whom served continuously until the end of the col-
onial period.

Also, under Seymour's administration, the constable establishments

33 Circular Letter to the Magistrates, 11 June, 1864, Colonial Secretary's
Miscellaneous Letterbook, Ms., Archives of B.C.
were fixed by the Governor-in-Council, the decisions being based on the revenue of the districts and the probable expenditures therein. Previously the decisions were left to the discretion of the magistrates who were instructed to keep their police establishments to a minimum so that the expense of maintaining them would be less than the ordinary revenue of the district, road tolls excluded. This resulted in much hiring and firing of constables because the magistrates felt that it was their responsibility to decrease their staff on even temporary declines in the district revenues. The transfer of responsibility for fixing constable establishments was another change which made the constables' positions more secure.

There were three main hindrances to the early development of the British Columbia Police, all deriving from the lack of funds in the Colony. These were, their numerical weakness, the absence of mounted patrols, and the low rate of pay.

There were too few constables employed both to carry on the administrative duties and to provide efficient police protection. Appendix B shows the number of constables employed for periods of one year or more and the distribution of constables, in 1860, 1865 and 1870. The figures do not show the number of men on actual police duty for in most places the constables were also used for other types of work. For instance, at Osoyoos and Fort Shepherd, the constable's time was taken up almost exclusively by the collection of customs duties; at Douglas and Lytton a constable was employed continuously as road toll clerk; one of the constables in the Cariboo was required to serve exclusively as clerk to the

34 Young to Elliott, 29 January, 1864, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
magistrate; at Yale, Henry J. Commeline, the Chief Constable, was also postmaster, magistrate's clerk, clerk to the county court, and deputy sheriff. Other duties the constables might be called upon to perform were those of mining recorder, jailer, supervisor of road repairs, coroner, or surveyor. The collection of the ordinary district revenue such as licenses, mining receipts, and rents, also occupied a great deal of the constables' time. Since there was considerable laxity in the voluntary payment of taxes, constables were sent out to collect on the spot. Although this was not strictly a part of their job, it came to be recognized in popular opinion as another of the constables' functions.

Constables who were employed mainly as collectors of customs were often the sole representatives of the Government at their isolated posts. These posts were of importance mainly as ports of entry into the Colony. There were three such points along the southern boundary, Osoyoos in the Similkameen Valley, Fort Shepherd in the Columbia, and St. Joseph's Prairie in the Kootenay. At each place the post consisted of a log hut which served as housing for the constable or constables and an insecure lock-up for prisoners. There was nothing but Indian villages within many miles of these lonely stations.

In the larger centres, a constable's duties often kept him tethered to headquarters leaving no opportunity for regular patrols. In the Cariboo the staff of constables was barely large enough to enable the magistrate to cope with all the business of a busy mining season. Even as late as 1869 this situation existed in the Cariboo. Chartres Brew explained his

35 Sanders to Young, 14 June, 1861, Sanders Letters, MS., Archives of B.C.
36 Nind to Ball, 25 November, 1865, Nind Letters, MS., Archives of B.C.
To the Governor:-

I have two provisional constables and one permanent constable. One of the provisional constables acts as Jailer, and as there is a prisoner in Jail...he cannot attend to Constable duties, therefore the whole police duties of the District fall on the other two Constables. Mr. Fitzgerald the Chief Constable is Clerk of the Petty Sessions Court, Clerk of the County Court and Clerk of the Mining Court, and on a day of heavy business is engaged in court duties during the whole of the office hours, and he has also to attend to the superintendence of the District Police duties. Mr. Cochrane the Recorder, who acts as Magistrate's Clerk, would find it utterly impossible to attend to the Post Office duties during the open Mining Season, indeed, on some days...I have to put a constable in the office to assist him in order that the business may be got through within the office hours.  

To compensate for the small number of regular constables, special constables were hired for temporary emergencies and dismissed whenever their services were no longer required. The magistrates had to exercise this authority quite frequently but the service of the special constables was often both unsatisfactory and expensive. As Judge Begbie pointed out:-

It often happens that some service has to be rendered, some prisoner secured, or conveyed to a place of safety which renders it necessary to have additional assistance in the shape of special constables. Special constables, however are rarely as efficient as men already accustomed to the office and I have had on more than one occasion to allude to the miscarriage of specials, through no fault of theirs but simply from want of knowledge and experience. Yet this inferior assistance is bought at a rate which throws the regular constables' salaries strongly into contrast. Beyond the Quesnelle River respectable men are not to be procured under $10 per diem. At Williams Lake in October I thought myself fortunate in securing the services of 5 capable men at $7 per diem: while a regular constable's pay of £25 per mo. [sic] is 6s. per diem. This comparison shows I think that the more valuable officer receives a lower rate of remuneration.  

37 Brew to Young, 29 March, 1869, Brew Letters, MS., Archives of B.C.  
38 Begbie to Young, July, 1863, Begbie Letters, MS., Archives of B.C.
The police were also handicapped by the lack of mounted patrols. In most cases when a constable needed a horse it had to be hired and the expense thus incurred reported to the Governor. Even the magistrates were not all provided with horses. When Peter O'Reilly was stationed at Hope in 1860, he informed Governor Douglas that he had personally purchased a horse since "I am frequently compelled to visit portions of my district which cannot be conveniently reached in a canoe and are too distant for walking, and as the expense of hiring a horse on such occasions is very great, and sometimes impossible". O'Reilly was allowed £70 a year for the horse's keep. Both Cox and Haynes also used their own horses. However, for most of the magistrates, and their constables, a horse was considered too much of a luxury, even though their duty might take them as far as a hundred miles from headquarters. Travel by horseback was allowed only when less expensive means such as canoe, steam boat, stage coach or express wagon, were not available. Mounted patrols were especially needed in the upper country where travellers often carried large sums of money. Two attempts were made to meet this need: one resulted in the short lived Gold Escort; the other came to an end in the Colonial Legislature.

The Gold Escort came into operation in the summer of 1861. Military in character, it consisted of a few members of the Royal Engineers under the command of Thomas Elwyn who was chosen by Governor Douglas to head the small but imposing force. In addition to providing for the safe transport of treasure from the Cariboo mines to the Coast, the Gold Escort was intended to be a show piece. It was hoped that the periodical appearance

39 O'Reilly to Douglas, 9 June, 1860, O'Reilly Letters, MS., Archives of B.C.
40 Young to Elwyn, 26 February, 1861, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C. Cf. Petit, op. cit., p. 129.
of a well organized, mounted and armed force, even though small, would have a salutary effect on the public and give support to the authority of the magistrates. The venture, so promising at its inception, was unsuccessful. After undertaking the work and expense of organizing and equipping the force, the Government would not give its guarantee to the safe delivery of gold by the Escort. Consequently, the miners preferred using the services of the flourishing privately owned express firms such as Ballou's Fraser River, Jeffray's and Freeman. Thus the Gold Escort came to an end after about ten months of operation.

However, the formation of a mounted force continued to be discussed. The merchants were among those who advocated the establishment of such a force since often they found it necessary to carry large sums of money while travelling in the upper country. Others felt that a mounted patrol was a luxury which British Columbia could not afford. The editor of the British Columbian wrote:

However desirable such an institution may be we would recommend the greatest caution in its establishment if, indeed the Colony is prepared to bear the expense of maintaining such a force. To be effective a Mounted Police would need be large, expense enormous even greater than that of the ill advised, ill devised and ill fated Gold Escort.

In March, 1864, the mounted police question was put into a motion in the House of Assembly by the Hon. H.M. Ball and seconded by the Hon. Peter O'Reilly. Ball moved that a force of ten men using the horses and arms

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41 Nind to Young, 25 June, 1861, Endorsement signed J.D., Mind Letters, MS., Archives of B.C.

42 Begg, British Columbia, p. 311.

43 Young to Elwyn, 21 April, 1862, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.

44 New Westminster British Columbian, 23 March, 1864.

45 Loc. cit.
of the defunct Gold Escort, be established to patrol the road from Lytton to Lillooet to Williams Creek. The motion was lost. The British Columbia Police continued to operate without mounted patrols throughout the rest of the colonial period. If a small body of mounted policemen had been available to aid the magistrates in their task of supervising their large districts, such difficulties as Sanders outlines in the following letter would certainly have been considerably reduced.

... on the enlargement of my district I beg humbly to ask whether the Governor conceives it possible that I can maintain 'order and good government' in a Province...more than 200 miles in length and 100 in breadth peopled by numerous and somewhat turbulent natives, a not inconsiderable number of white settlers through the whole extent of which the entire population... threads its way to and from the mines and through which all supplies of the country are poured... with a staff of three constables... as immobile as the mountains around them, two acting as fac totems in the absence of the magistrate who of necessity must ever be moving, while the third man in all probability, is in charge of more prisoners than it will be possible for him to superintend. 46

In addition to its numerical weakness and enforced immobility, the Colonial Police Force also had to contend with low rates of pay. A constable's pay on the lower Fraser was approximately the same as a labourer's wage. In 1860 a constable in these districts, received £192 a year. The chief constables drew £240. 47 In some cases extra pay was given to constables who were also employed at an additional job such as a toll collector. In the early part of the colonial period, the constables on the lower Fraser were occasionally able to augment their salaries by arresting liquor traffickers. There was no set policy; usually

46 Sanders to Ball, 6 February, 1866, Sanders Letters, MS, Archives of B.C.
47 Brew to Young, 13 December, 1860, Brew Letters MS. Archives of B.C.
the constable was awarded one quarter to a third of the fine imposed on the offenders. This practice seems to have been discontinued around 1866 except in cases where the constable may have performed some service beyond the line of duty. 48

When the Cariboo District was opened in 1860, the constables there were paid more than those on the lower Fraser but the difference was not enough to compensate for the higher cost of living. The salary of a Cariboo constable in 1861, was $100.00 a month plus a travelling allowance of $2.00 a day. 49 In 1864, the constables were given a straight $3.00 a day living allowance in addition to their regular salary which raised their pay to almost $200.00 a month. At the beginning of the period of retrenchment in 1865, the constables monthly salaries were raised to $121.25 but the living allowance discontinued and no allowance was given except when a constable was actually travelling or on duty at a distance from Headquarters. In spite of protests from the magistrate as well as from the constables, these rates went into effect. The sudden change caused some constables to resign, one of whom was Stephen Redgrave

The Cariboo was not the only District where constables' salaries were considered inadequate. In the Columbia District, the salaries were lower than in the Cariboo notwithstanding the fact that the cost of living was almost the same. Peter O'Reilly wrote: "Three dollars per meal is charge at the only place where it is possible to procure one...which for one meal per day is 23 cents less than the gross amount they receive". 51 At Clinton

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48 Sanders to Birch, 2 July, 1867, Sanders Letters, MS., Archives of B.
49 Nind to Young, 22 May, 1861, Nind Letters, MS., Archives of B.C.
50 See above, p. 51.
51 O'Reilly to Ball, 15 May, 1866, O'Reilly Letters, MS., Archives of B
where living expenses were also about the same as those in the Cariboo.

Constable F.L.S. Hughes, who also acted as toll collector and postmaster, received no more pay than did the constables at Lytton or Yale.\textsuperscript{52}

Judge Begbie was among those who felt that the constables were underpaid. He drew the Governor's attention to the hardships of a constable's life in the Cariboo and the inadequacy of the pay for the service performed.

Next to some accommodation such as humanity requires to be provided for men who are called upon to perform most thankless duties involving great personal fatigue, exposure and responsibility, I...suggest that...the present inexplicably inadequate rates of salary especially in the case of lower officials, constables etc. should be considered. I say inexplicably inadequate: for rates of pay are notoriously insufficient to provide a constable in the Cariboo (i.e. north of Quesnelle River) with more than one meal per diem.... Until the end of August...every meal was charged \$2.50. The pay of a constable is \£25 a month - not enough to provide him with two meals a day, without allowing anything for clothes (which...are extremely expensive and rapidly worn out) tobacco, an occasional stimulant or any of the other extras which a rough mountain life justifies and almost demands. In sept [sic] it is true meals came down to \$2.00 but the rate of charge for miners' fare was even then, at the cheapest houses, \$26 and \$30 per week...just 4s more than the constables' wages: for men in full health in the mines find 3 meals a day are not enough....

Constables therefore being admittedly quite unable to pay their way, it would seem that they must either be sued for debt, which would cause a scandal - or that their debts must be forgiven by the restaurant keepers which would cause a greater scandal still. So that the rate of pay might really be termed scandalously low, were it not that it gives rise to no scandal, owing to the circumstances mentioned in the ensuing paragraph....

The fact is that most of the constables in the upper country are men who have hitherto filled superior stations in life: some of them having even held field officers commissions in Her Majesty's Army...most of them are provided with some small means of their own. But for this, it is an arithmetical certainty that they could not exist without running into debt which would very much interfere with their utility.\textsuperscript{53}

\textsuperscript{52} Sanders to Young, 14 June, 1861, Sanders Letters, MS., Archives of B.C

\textsuperscript{53} Begbie to Young, July, 1863, Begbie Letters, MS., Archives of B.C.
In spite of the difficult working conditions as described above by Judge Begbie, the Colonial Police has a good record of service. They appear to have been actuated in their work by a personal sense of honor, for there was no rigid system of training and discipline.

There are only two instances on record of constables being released for improper behaviour. The first concerned constables Moore and Ronaldson at Fort Langley. Apparently Moore took it upon himself to put the intoxicated Ronaldson in jail for the night. As a result of this episode Ronaldson resigned and Moore was suspended and released soon after. 54 A few years later, Moore, who had originally come from England with a favourable letter of introduction from the Colonial Office, 55 applied for re-employment in the government service. In answer he was told, "On reference to the officers under whom you served it was a matter of regret to His Excellency to find that he would not be justified in employing you in the Public Service". 56 In 1870 one of the chief constables, Joseph Burr, was involved in a similar incident. After serving for about a year, he was suspended by Magistrate O'Reilly for drunkenness, insubordination and assault on Constable Coffee. The citizens of Yale petitioned to have Burr reinstated but the Governor decided that Burr was to be dismissed. 57

A few constables were released for inefficiency. At least three were dismissed for letting prisoners escape, one for failing to send in postal accounts and one was suspended for forging signatures on vouchers. Pre-

54 Brew to Young, 3 March, 1859, Brew Letters, MS., Archives of B.C.
55 Douglas to Arthur Blakewood, 9 January, 1861, Governor's Private Official Letterbook, MS., Archives of B.C.
56 Young to W.M. Moore, 12 July, 1861, ibid.
57 James Douglas, answer to Petition from Yale, 18 July, 1870, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
sumably the last was also dismissed since his name does not appear in subsequent correspondence.

Besides demanding a high degree of morality and efficiency, the constables were expected to refrain from speculation in land or in mining claims. If the temptations for speculation proved too great, a constable could either relinquish his interests or resign his government appointment. Douglas' policy is outlined in the following circular letter to the magistrates:—

It is commonly reported that certain of the Assistant Gold Commissioners and Magistrates of British Columbia, their clerks and constables, are engaged...in mining speculations or in the active transaction of business on their own account. ...such practices, calculated as they are to render...ineffective the moral weight and influence of a resident Government officer and staff, but also to become the very source from which disturbance and disaffection may arise, cannot for one moment be permitted.

The Government required the entire and undis- vided services of its officers.... Those officers who may have indulged in such practices, must therefore make their election, either at once to relinquish them or to resign the appointment which they may hold under the Government.58

In 1864 Constable George Hamilton tendered his resignation after becoming involved in a mining claim. In this case the Governor declined to accept the resignation and instead, instructed the magistrate under whom Hamilton worked, as follows: "...in consequence of the transaction in which he has been implicated...you are hereby instructed to dismiss Mr. Hamilton from the public service".59 Several other constables who were found to be

58 James Douglas, Circular Letter to the Magistrates, 30 October, 1862, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.

59 Young to O'Reilly, 28 May, 1864, Colonial Secretary's Miscellaneous Letterbook, MS., Archives of B.C.
involved in mining speculation were forced to choose between one or the other, constable or miner. They could not be both.

Thus the constables of colonial British Columbia were guided in their work, not by a book of rules, but only by the simple stipulations of good personal conduct, honesty, efficiency, and undivided application of interests. When in 1870 the position of subordinate officers on Confederation, was under discussion, the constables were assured that they would not be deprived of office. Governor Musgrave wrote:

> Regarding the subordinate officers....they will continue to hold their present posts whether the office be transferred to the Dominion or remain under the administration of the local government. 60

As we know, the constables were placed under the control of the Province and the Police of colonial British Columbia became the British Columbia Provincial Police Force.

Confederation brought about three changes, in the administration, in the organization and in the duties, of the British Columbia Police. The constables were not longer required to undertake the collection of customs. 61 They were also relieved of duties connected with the post office, and as the Province developed they were required to serve less often in the role of clerk, jailer, surveyor and other miscellaneous offices. The constables were becoming more exclusively policemen.

In the administrative field, an important change was the appointment of a Superintendent of Police for the Province. This appointment was necessitated when the magistrates became paid servants of the Dominion.

60 Musgrave to the Earl of Kimberley, 17 November, 1870, B.C. Despatches to Downing Street, MS., Archives of B.C.

61 Hamley to C. Good, 17 October, 1871, Hamley Letters, MS., Archives of B.C.
and were no longer able to direct the provincially controlled constables. The chief constables, who succeeded the magistrates as the police authorities in the different administrative districts, were then responsible to the Provincial Superintendent of Police.

Another result of the difference in status of the magistrates and constables was that the British Columbia Police then became independent of the judiciary. The separation of police and magisterial duties is one of the basic principles of modern police systems. Only the police, are responsible for accepting charges, the magistrates for hearing them. This trend toward modernization of the British Columbia Police, started after Confederation, was not completed until 1923. In that year the Provincial Government passed the Police and Prisons Regulations Act, providing for the reorganization of the Police. A redistribution of the administrative areas was made; semi-military ranks were brought into use; and the khaki uniform, so familiar in British Columbia until August, 1950, was introduced. Under the new arrangements, Lieutenant-Colonel J.H. McMullin became the first Commissioner of the British Columbia Provincial Police.

62 Statutes of British Columbia, King George V, 1923
CHAPTER VI

CRIME IN THE COLONY

When Sir Richard Mayne drafted the general instructions for the London Metropolitan Police in 1829, he set forth the purposes of a police force in terms which it has never been necessary to alter:-

The primary object of an efficient police is the prevention of crime; the next that of detection and punishment of offenders, if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained.¹

It is obvious that in the Colony of British Columbia, where in 1865, there was a population of approximately 47,000 Indians, Europeans and Chinese, and gold mining activity stretching over 400 miles through mountainous country,² about 18 regular police officers could not provide adequate protection to life and property.

An analysis of serious crime in British Columbia shows that between 1858 and 1869 inclusive, there were over 100 people murdered in the Colony. About one-fifth of the victims and one-half of the murderers were Indians. Approximately one-quarter of the murders took place on the Northwest Coast where there were only occasional visits of police authorities. Of the remaining 75 murders in other parts of the Colony, it is not known in eleven cases whether or not the murderer

¹ Moyland, Scotland Yard, p. 34
² Seymour to Earl of Carnarvon, 31 October, 1866, B.C. Despatches to Downing Street, M.S., Archives of B.C.
was apprehended. Of the other 65 cases, in all but ten were the
murderers caught, but five men accused of murder escaped from jail.

However, in 1861, Judge Begbie felt that there was much less crime
in the colony of British Columbia than might be expected in a gold
mining colony:—

It is a continued subject of thankfulness that the
amount of crime still remains very small in compar-
ison with what might have been anticipated from
the amount of population, the extent and difficulty
of the country over which the population is scattered,
the habits naturally induced by the unsettled and
exciting life of a miner, and from the impunity
which criminals might hope for, looking to the state
of communications and the nature of the country gen-
erally, the proximity of a long open Frontier acces-
sible by unfrequented passes and the necessarily dis-
tant and scanty Police Force. 3

There were many crimes of a petty nature such as the stealing of
provisions. This was a common offense in the mining camps, but owing
to the difficulty of identifying the guilty ones, few arrests were
made. 4 The transport of money and gold dust from the upper country
gave rise to crimes of a more serious nature. Sometimes miners and
merchants rather than pay an express company or packing firm a large
percentage to carry their treasure, sought each other's company for
mutual protection. Usually, however, by the time the parties were
ready to begin their journey it was well advertised that they were
carrying large sums of money and there were always men about who would
not hesitate to attack and rob them. 5 Along the lonely trails where
these men carried their treasure, human bodies were occasionally found.

Other corpses were recovered from lakes and rivers. It was never

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3 Quoted in Petit, op. cit. pp.146-147.
4 O'Reilley to Hankin, 1 July, 1871, O'Reilley Letters, MS.
5 Mind to Young, 20 November, 1860, Mind Letters, MS., Archives of B.C
known how most of these unfortunates met their fate. The coroner returned a verdict of "murdered" or "drowned" and often little else was heard of the case.

In 1862 the Cariboo was at its height in gold production and also in the production of crime. At least ten murders were committed from July to September alone, and most of the guilty parties made their escape. So serious did the situation become, that the miners of the Cariboo threatened that if their lives and property were not protected by the government they would rise and protect themselves against "the villains who infest the country".

The most notorious murder of 1862 occurred in August on the lonely stretch of road from Lillooet to the Cariboo, just north of the Forks of the Quesnel River. Three Jewish traders who came to the Cariboo with pack trains of food products and merchandise were returning to Victoria from Antler Creek carrying between ten and twelve thousand dollars in gold dust. Shortly after they had crossed the bridge over the north fork of the Quesnel River (about seven miles from Quesnel town), they were set upon and murdered by three highwaymen. At the time the nearest magistrate was Elwyn at Williams Creek, about 60 miles away. The victims bodies were discovered on Monday, August 28, supposedly the same day as the murder took place. Elwyn did not hear of it until Wednesday of

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6 One who did not was the gunman Gilchrist who killed a man in a gambling house at Williams Lake. The jury's verdict of manslaughter brought forth one of Judge Begbie's most scathing addresses. See Petit, op. cit. p.145

7 Victoria Colonist, 8 September, 1862.
the same week and did not arrive at the scene until Friday. Constable Coote, in charge of the jail at the Forks of Quesnel, failed to get a posse in pursuit of the murderers until Wednesday. The delay in forming the posse made the chances of overtaking the murderers, very slight. They escaped into the United States and might have gone scot free had they not been arrested there for other crimes. Just before going to the gallows, one of the three confessed to the murder of the Jews at the Forks of Quesnel. 8

In the early part of the colonial period considerable use was made of the posse to apprehend criminals. The posse was effective in running offenders out of the country but often failed to bring them to justice. The time which was required to organize a posse allowed an enterprising criminal to get closer to the border and to freedom. In addition a posse was expensive for the special constables demanded and received the prevailing rate of labourers' wages for their services.

Later in the colonial period, more reliance was placed on the regular constables. One determined man could move more quickly and efficiently than a heterogeneous group of special constables. William Fitzgerald established a reputation for skill in tracking down criminals both Indian and white. When a man named John Morgan was found murdered near Soda Creek in December, 1865, Cox sent Fitzgerald in pursuit of the murderer. At Canoe Creek, Fitzgerald learned that the murdered man's watch had been purchased from two Indians who had been working with pack trains. With this as his only clue, Fitzgerald tracked his quarry. After leaving Canoe Creek he visited the various packing camps

8 Elwyn to Young, 2 August, 1862, Elwyn letters, MS., Archives of B.C., also Walkem, Stories of Early B.C., p. 281.
and Indian villages from there to Lytton. His *perseverance* brought results. One of the miscreants, he found at Nicola Lake, and the other near Lillooet, about 100 miles away. Fitzgerald brought both men back to Quesnel where they were put in jail to await trial. ⁹

The tracking of criminals was made somewhat easier for the constables in the fall of 1865 when the Western Union Telegraph Company completed a line beyond the town of Quesnel. ¹⁰ Descriptions of fleeing criminals or suspects could now be flashed from one end of the Colony to the other. The telegraph facilities figured largely in the arrest of James Barry who was suspected of murdering a man named C.M. Blessing along the trail near Beaver Pass in September, 1866. Several days passed between the time when the crime was committed and when suspicion was fixed on Barry. Constable J.H. Sullivan of Quesnel was sent after the suspect. Arriving at Soda Creek, Sullivan discovered that his man had taken the stage to Yale. A description of Barry was telegraphed ahead to Yale where he was detained until Sullivan arrived. ¹¹ Sullivan escorted his prisoner back to Richfield where he was imprisoned and committed for trial by Magistrate Cox. The spring assizes being seven months away and the jail insecure, the prisoner was kept in irons until his trial. Evidence given by Chief Constable Fitzgerald figured largely in the prosecution. Fitzgerald found that Barry had given an ornamental

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⁹ Cox to Ball, 18 February, 1866, Cox Letters, MS, Archives of B.C.

¹⁰ The line was finally abandoned in 1866 at Telegraph Creek when the laying of the Atlantic cable made it unnecessary for the Western Union Telegraph Company to proceed with their plan to carry a line across the Bering Strait.

¹¹ Barry said he thought Sullivan was a newspaper reporter which is understandable because the Colonial Police wore no uniform, badge or insignia.
pin to one of the dancing girls at Barkerville and proved conclusively that this pin was the property of the murdered man. 12

On August 12, 1867, Barry was executed at Richfield. His hanging was the first public execution in the Cariboo. 13

In those parts of the Colony outside of the Cariboo, serious crime was less common. Crime decreased in the Cariboo too, as the gold production decreased. In June 1866 Judge Begbie in addressing the Grand Jury remarked:

Fortunately for this colony and creditable alike to the efficiency of the Police, there has been a great absence of crime in the various districts which I have visited; this is mainly attributable to the energy and zeal with which crime is ferreted out and the offenders brought to justice. 14

The most prevalent crime during the colonial period was the selling of intoxicants to the Indians. The large profits to be obtained and the opportunities for carrying on the trade, led to its being plied from one end of the country to the other. Judge Begbie wrote to the Governor, "It is clearly impossible for the constables to prevent it; (liquor traffic to Indians) they are too few in number to keep any look out." 15

Complaints were registered against the liquor traffic by both Indians and whites from New Westminster to the Cariboo, but, the scarcity of informers and witnesses made it difficult to make arrests or get conviction

12 Barkerville Cariboo Sentinel, 1 October, 1866, 30 November, 1866; 4 July, 1867; 15 October, 1866.
13 Barkerville Cariboo Sentinel, 12 August, 1867.
14 Quoted in Barkerville Cariboo Sentinel, 16 June, 1866.
15 Begbie to Douglas, Circuit Letter, November, 1858, Begbie Letters, MS, Archives of B.C.
The whiskey peddlers shunnod those areas where a magistrate was located or a constable stationed, but there were plenty of other places where they could carry on their trade with impunity.

It was along the North West Coast of the Colony that the liquor laws were most openly flouted. Regular trading vessels cleared at the customs in New Westminster or Victoria. Later they would rendezvous with canoes or boats which supplied them with the rankest of raw liquor for the Indian trade. The masters of the whiskey laden vessels had agents who bartered their liquor for the Indians' furs. One half gallon of vile mixture purchased a beaver skin, three quarters of a gallon, an otter skin and one gallon, a bear skin. This infamous traffic flourished with little interruption and brought infinite trouble to the Indian tribes and the few white settlers along the coast. After a visit from the agents, the drink-crazed Indians, bereft of their wealth and craving more liquor, were capable of the most ferocious crimes. Even the lives of the smugglers were not safe.

The Government called on vessels of the Royal Navy to aid in curtailing the liquor traffic. Commander J.W. Pike of H.M.S. Devastation seized at least three notorious liquor running vessels and his perseverance temporarily put a stop to the activities of the whiskey peddlers in the Bella Coola area. Yet, a glance at the coast of British

16 J.W. Pike to Douglas, 20 October, 1862, Pike letters, MS., Archives of B.C.

17 Douglas to Newcastle, 21 May, 1863, B.C. Despatches to Downing Street, MS., Archives of B.C.
Colurribia shows what opportunities there were for vessels to land their cargo in sheltered spots. To stamp out the liquor trade entirely would have required a fleet of revenue vessels constantly cruising along the coast.

The Captains of Her Majesty's Ships that were employed to intercept the trading schooners were given the authority of justices of the peace to enable them to deal with the whiskey runners. Also in the northwest portion of the Colony there were a few men empowered to act as justices of the peace. John Drummond Buchanan Ogilvie, stationed on the North Bentinck Arm in the Bella Coola area, was one of these few. He also acted as Constable and Revenue Officer. At great odds Ogilvie undertook to protect the Indians and the handful of whites against the evils of the liquor traffic and finally met his death at the hands of one of the unscrupulous whiskey trading agents.

Ogilvie had arrested a man named Antoine Lucanage for selling whiskey to the Indians. Lucanage escaped and made his way to his ship, the Langley, a notorious whiskey peddling craft. Ogilvie with two other men, overtook the Langley in a canoe. In reply to their inquiry, the Captain of the Langley stated that Antoine was not on board. A few moments later a shot rang out from the forward bows of the vessel. Ogilvie fell, mortally wounded. Antoine, the murderer, escaped in a small boat. It was thought for a time that he had perished in his attempt to escape but in July, 1865, a telegram from San Francisco advised that he had been arrested in that city. Constable Tomkins Brew

18 New Westminster British Columbian, 26 May, 1865.
"High Constable" of New Westminster, proceeded to San Francisco by the steamer Leviathan and brought Lucanage back to British Columbia to stand trial for his crime. 19

Besides Ogilvie, one other Constable was killed in line of duty. This was Constable John Lawson, who had come from the Maritimes and was a highly respected citizen of the Kootenay District. He was employed as constable there in July 1865. Two years later in May 1867, Lawson was in the act of arresting a man known as "Charlie" Brown on a charge of horse stealing in the town of Kootenay, when the villain shot him dead. Brown made off through the woods and headed for the United States. At Bonner's Ferry, just south of the line, he was overtaken by four miners who had followed him from Kootenay. They killed Brown on the spot.

The problem of apprehending criminals did not end with their being placed in jail. In most parts of the Colony, the jail was a hastily built log lock-up, the insecurity of which was an invitation to any able bodied prisoner to escape. Desperate criminals were kept shackled. In 1861, Judge Begbie said of the jails, "...their condition is rough, insecure... as might be expected from the expenditure; with the exception of that at New Westminster there is scarcely one which is even a tolerable lock-up...." 21

The jail at New Westminster provided prisoner accommodation for all those in the Colony who received jail sentences. This jail was constructed in 1860 according to plans drawn by Chartres Brew. 22

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19 Ibid, 18 July, 1865, p. 3.
20 Barkerville Cariboo Sentinel, 8 July, 1867.
21 Begbie to Douglas, 30 November, Begbie Letters, AS, Archives of B.C.
22 Brew to Young, 1 August 1860, Brew Letters, AS, Archives of B.C.
The prison yard covered an area of 11,512 square feet and was surrounded by a strong wooden wall about fourteen feet high. The jail proper consisted of two wooden buildings which provided space for twenty cells, a work shed and a kitchen. Prisoners were exercised three hours in the morning and three in the afternoon. Those sentenced to hard labour were employed clearing Government land, cutting firewood and grading and clearing public streets and roads. The notoriously bad characters labored in leg irons.

In the interior of British Columbia only Williams Lake and Quesnel had secure jails. The one at Williams Lake was described by Judge Begbie as a "very good lock-up with four cells." At Quesnel the jail had four cells, a mess room and a constables' room. The prison yard was surrounded by a fence twelve feet high made of painted wooden slabs which gave the jail the appearance of a Hudson's Bay fort. These jails accommodated persons arrested in the Cariboo for grave offences. Where there was no lock-up those arrested for minor offences were sometimes fastened to the stump of a tree. At Richfield an insecure log cabin served as a jail. It was so poorly ventilated that the door had to be kept open a great deal of the day. On one occasion a prisoner slipped away while Chief Justice Begbie and two constables were standing in front of the jail door.

22 (continued) the main part of this building is still standing and is in fairly good repair. It is now used by the City of New Westminster as a school and is known as the "T. J. Trapp Technical School." The 20 foot fence which formerly enclosed the prison exercise yard, and where the scaffolds were erected for the execution of condemned prisoners, has been removed leaving only the main prison building standing. Hugh G. Christie, Warden, Oakalla Prison, in correspondence with the author.

23 Begbie to Young, July, 1863, Begbie Letters, MS.
24 Ball to J.W. Trutch, 25 August, 1865, Ball Letters, MS., Archives of B.C.
25 Begbie to Young, loc. cit., also Elwyn to Young, 22 August, 1862, Elwyn Letters, MS., Archives of B.C.
26 Brew to Hankin, 18 June, 1869, Brew Letters, MS., Archives of B.C.
Barkerville was one of the principal business centres of the Cariboo yet there was no jail there until 1869. Large numbers of miners congregating in Barkerville in the evenings gave rise to frequent minor disturbances. Those who were apprehended for disturbing the peace had to be escorted by sleigh or wagon to the Richfield jail a mile away. The inconvenience and costliness of this procedure led Magistrate Ball to request that he be allowed to build a log cabin lock-up and constables' quarters at Barkerville. His request was refused, however, as the financial state of the Colony demanded the strictest economy. In 1869, Chartres Brew arranged to purchase a house there for $186.50, to be used as a constables' residence and temporary jail.

In addition to the insecurity of the jails, the shortage of leg-irons and handcuffs made it even more difficult to restrict the movements of prisoners. Remarking on an incident at Williams Lake, Begbie said, "the special constables were a good deal embarrassed by the absence of handcuffs and I have noted the deficiency on many other occasions".

27 Ball to Birch, 20 May, 1867, Ball Letters, MS., Archives of B.C.
28 Brew to Hankin, 7 January, 1870, Brew Letters, MS., Archives of B.C.
29 Begbie to Young, July, 1863, Begbie Letters, MS., Archives of B.C.
The majority of the crimes committed in the Colony of British Columbia were crimes against society involving murder, robbery, drunkenness or jail breaking. In these cases the constable's duty was clear cut. To carry it out he required mainly courage and common sense; he could moreover, always count on the support of the public. However in the summer of 1867 when the police became involved in a dispute between two large mining companies, their lack of training as well as lack of numbers, found them at a loss.

This dispute, which was known as the Grouse Creek War, involved the ownership of a valuable stretch of ground on Grouse Creek in the Cariboo. Two mining companies, the Flume Company and the Canadian Company, claimed ownership to the ground. The latter Company had taken over the claim feeling it had right of possession. When the Company instituted legal proceedings to test its title, its claims were dismissed by Gold Commissioner Ball. Nevertheless, the Canadian Company continued to work the rich ground.

Following the Gold Commissioner's decision, Chief Constable Fitzgerald and Constables Sullivan and George Wilson, were sent to serve an injunction ordering the Canadian Company to quit the piece of ground. The Company refused, Fitzgerald then attempted to arrest one of their number, but the thirty or forty members of the Company, not showing hostility or making any threats of violence, declared that if any one of them was liable to arrest, they all were. The constables, not knowing how to proceed, returned to headquarters for further instructions.

30 Barkerville Cariboo Sentinel, 15 July, 1867
31 Ibid, 15 July, 1867
When Commissioner Ball learned of the state of affairs, he proceeded to Grouse Creek with a force of about thirty citizens sworn in as special constables. When the motley force of constables, some mounted, some on foot, arrived, the Canadian Company was at work on the disputed property. Ball addressed the member of the Company, saying that they were breaking the law by holding possession of the disputed ground and he urged them to give up the possession peacefully. The spokesman for the Company stated that they wanted a re-hearing of the case. In the meantime the members of the posse were engaged in friendly conversation with the Canadian Company miners. Ball, looking to his force for support, and finding none, had no alternative but to agree to the company's proposal.

The "Grouse Creek War" caused considerable excitement in the Colony. The citizens of the Cariboo were mainly interested in the ultimate legal decision rather than in the fact that police authority had been set at defiance. In New Westminster, on the other hand, great alarm was raised over the fact that the authority of the constables had been publicly flouted. Governor Seymour exaggerated the gravity of the incident, referring to it as a "riot verging on rebellion, if it has not already crossed the line." He even requested military assistance but the naval authorities, regarding it impractical to transport a body of seamen so far from the coast, gave only a vague promise that they would lend support to the civil authority if a

32 Barkerville Cariboo Sentinel, 12 July, 1867
33 Seymour to Cardwell 12 May, 1868, B.C. Despatches to Downing Street, MS., Archives of B.C.
serious enough crisis arose. Seymour thought the situation at least demanded his presence but on his arrival in the Cariboo, found much less excitement than he had anticipated. The Canadian Company consented to hand the disputed claim over to him and to submit the claim of title to arbitration. Eight members of the Company were jailed for contempt of the magistrate's writ and resistance to the police. Fearful lest further trouble develop, Seymour directed Chartres Brew, who had on previous occasions proved himself capable of dealing with difficult situations, to replace Ball in the Cariboo. Five "thoroughly armed" supernumerary constables appointed for a period of one year, accompanied Brew to the Cariboo. Brew, authorized to add to this force if need be, was instructed to enforce the law at all costs. 34 The five constables were placed in possession of the disputed ground pending settlement of the case. In September, Chief Justice Needham arrived and after an investigation gave his decision in favor of the Flume Company. His decision was accepted by both parties and the "Grouse Creek war" came to an end.

34 Seymour to Buckingham, 4 September, 1867, B.C. Despatcher to Downing Street, MS., Archives of B.C.
CHAPTER VII
THE WHITE MAN'S LAW

One of the major law enforcement tasks of the magistrates and their constables, was to teach the Indians of British Columbia to understand and observe the white man's law. Before 1858, the natives had limited contact with white men. Under the firm but just rule of the Hudson's Bay Company officials, they were peaceful and friendly. They even tolerated the few white prospectors at work along the Fraser and Columbia Rivers. However, from the time of the first discovery of gold on the mainland, Governor James Douglas was apprehensive of the trouble which might result if thousands of white men stampeded into the Indians' hunting ground, bringing with them whiskey, firearms, and a disdain for the Indians' mode of life. The Secretary of State for the Colonies was informed, "...there is much reason to fear that serious affrays may take place between the natives and the motley adventurers who will be attracted by the reputed wealth of the country... and who may attempt to overpower the opposition of the natives by force of arms and thus endanger the peace of the country".¹

As Chief Factor of the Hudson's Bay Company, Douglas had come to know and understand the Indians. At the diggings he spoke to a group of the natives advising them to seek redress from the Justice of the Peace at Hill's Bar if they were injured by the whites. He also appointed

Indian magistrates who were to bring to justice any of their tribesmen who were charged with offences against the laws of the country. He gave the miners the following advice about the Indians, "They are all friendly, and all thievish.... Get on with them as quietly as you can and Government will protect you."  

There was trouble, however. The native population, so well behaved under the rule of the Hudson’s Bay Company, became more contemptuous of the white man as the miners took over on the lower Fraser. In August 1858, hostilities actually broke out between the miners and the Indians. Two Frenchmen had been murdered by Indians near the junction of the Fraser and Thompson Rivers (the Forks). When the news of the outrage reached Yale, forty miners immediately headed north and were joined by 150 more at Boston Bar. In the ensuing encounter with the Indians, seven braves were killed after a fight that lasted three hours. The company returned to Yale where 2,000 miners attended a meeting to consider the best mode of dealing with the Indians. Over 200 miners, enrolled under N.M. Snyder, made a march up the Fraser to the Thompson River. On their return to Yale seven days later, they had made treaties of peace with about 2,000 Indians between Spuzzum and the Forks. In the course of the campaign, thirty Indians and two miners were killed.

Governor Douglas, on hearing of the trouble, made another trip to the Mainland accompanied by 38 sappers and miners and twenty marines.

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2 Douglas to Lytton, 15 June 1858, B.C. Papers. Part 1, p. 16
3 Victoria Gazette, 24 July, 1858.
4 Begg, ibid., pp. 271-272
from H.M.S. Satellite. On his arrival, however, the excitement had abated. Douglas found that the sale of spirituous liquor was one of the main causes for the disturbances and issued a proclamation declaring that practice to be illegal. Penalties for this offence had been included in the code of laws drawn up by the Hill's Bar miners, but little could be accomplished without recognized authorities to whom both the Indians and miners could apply for redress. Unfortunately this authority could not be found in either the magistrates whom Douglas appointed in 1858 or their constables, for none of these succeeded in winning the confidence of the Indians or the miners. Consequently during the Fraser River gold rush the Governor himself carried the responsibility of preventing conflict between miners and natives.

Douglas' burden of responsibility was greatly relieved in 1859 when the new group of magistrates took over. Few of them had previous experience in dealing with aboriginal peoples, but they proved very effective in managing British Columbia's natives. The magistrates soon gained the confidence of the Indians who came to regard them as the constituted arbiters of right and wrong. This was not accomplished by any show of force but by the constant application of firm yet equitable treatment to whites and Indians alike. A case in point was Magistrate Cox's address to the Indians along the Columbia just north of the Pend-d'Oreille River. Douglas feared that the presence of the whites in this area would lead to crime and disorder, since the natives were opposed to the entrance of the miners into their territory. Cox was

5 Douglas to Lytton, 12 October, 1858, B.C. Papers, Part 11, p. 4.
ordered to this area with the following instructions:

...you must endeavor to conciliate the natives, and to prevent conflicts or collisions with the whites. You must impress upon their minds that they are not to plunder or steal the property, or in any way injure or molest the miners; and you will be equally careful in teaching the miners to respect the law and property of the natives, and that they are equally with white men protected by the Laws....

Cox addressed the Indians, then the miners in the same vein. To the Indians he said:

These men have come to seek for gold. They have not come to fight. They must not be interfered with in any way by the Indians. The Indians and whites shall receive equal protection from the Government when an officer is appointed to this district and crime will be punished on the same terms and no expense will be spared to hunt down offenders. Keep your women to yourselves. Do not dispose of them to the white man. Keep from whiskey, be civil and obliging - do not steal no matter how tempting the opportunity may be... If wronged or assaulted you will have the same protection as myself. You are, as well as the white men entitled to protect your homes and families from injury but do not be the first to quarrel. When an officer resides among you, you must make your complaint to him and not avenge any wrongs yourselves.

The Indians pledged their word, they would not molest the miners in their search for gold.

In 1865 gold was discovered on French Creek, in the territory of the Shuswap Indians. Since they were reluctant to allow the whites to enter their hunting ground, Philip Nind, accompanied by a constable, set out from Lytton to talk with the Shuswap tribe. On the way he held court at Kamloops in the Hudson's Bay Company Hall, and convicted a white man of selling spirits to Indians, solely on evidence given by

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6 Good to Cox. 27 Sept., 1861, Colonial Secretary's Miscellaneous Letterbook, I.S., Archives of B.C.
7 Cox to Young, 19 October, 1861, Enclosure, Cox Letters, I.S., Archives of B.C.
Indians. Nind and his constable then rode up the Thompson River to the Shuswap's camp. It was the accepted practice to deal with the Indians through their Chief, a custom which tended to strengthen the Chief's position of supremacy in his tribe and also simplified communications between the officials and the natives. Hence Nind spoke to the Shuswaps through their Chief. He spoke about observing the laws and obtaining redress if injured or oppressed; about equal justice that was observed toward white men and Indians; and about the evils of drinking whiskey. On completing his speech he presented the Chief with the customary present of tobacco. Nind was gratified to learn from settlers and the Hudson's Bay Company officials that his visit had had a beneficial effect upon the Indians. Moreover, shortly after their departure an Indian who had murdered another Indian, was delivered to Nind at Lytton.8

Besides Cox and Nind; O'Reilley, Brew and Fitzgerald were noted for their valuable work in promoting good relations between Indians and whites. By the end of the colonial period the Indians for the most part had given up most of their barbaric ways. However there remained a sprinkling of incorrigible outlaws. These were young men and boys who were wont to wander aimlessly from place to place until their neediness led them to commit depredations. Unlike white criminals, who invariably attempted to flee the country, the Indian outlaws remained in the Colony wandering from tribe to tribe. Douglas instructed the magistrates to spare no expense or effort to bring these guilty Indians to justice.

8 Nind to Birch, 12 July, 1865, Nind Letters, MS., P.C. Archives.
One of the most notorious Indian criminals in the early history of British Columbia was Taitoch alias "John Chinaman", a member of the Mosqueam Tribe. Taitoch was charged with the murder of two white men on the lower Fraser in October, 1859, and was suspected of being concerned in several other murders. It was known that he was living below New Westminster with the Sechelt Indians whose Chief was friendly to the Hudson's Bay Company. A reward of £50 was offered for Taitoch's capture. Julius Voigt of New Westminster, was sworn in as special constable and given a warrant for his arrest. Voigt, disguised as an Indian, and accompanied by three members of the Sechelt Tribe, proceeded to their camp. Stealthily they crept up on the Sea-Shell lodge where they spotted Taitoch sitting quietly by the fire. Voigt edged nearer until he was directly behind him, then stepped out of the shadows. Placing his hand firmly on Taitoch's shoulder he said, "I arrest you in the name of the Queen". Taitoch broke loose, and pandemonium followed. Fifteen blankets were offered to the one who captured him. The Indians of the lodge immediately joined the chase. In the struggle that followed, Taitoch was killed. His body was taken to New Westminster for identification. 9

The constables could not always be spared for tracking an Indian, who might be hiding anywhere from the lower Fraser to the Upper Columbia. In any case, it was considered a better policy to have the guilty party delivered to justice by the Indians themselves, and, if a reward was offered, the arrest was usually effected soon after.

9 Spalding to Young, 4 April, 1860, Enclosure, Proceedings of the Coroner's Inquest on Taitoch, alias "John Chinaman", 1 April, 1860. Spalding Letters, MS., Archives of B.C., also Brew to Young, 5 May, 1860, Brew Letters, MS., Archives of B.C.
Without the help of the Indians, Moise, the Indian murderer, would probably not have been captured. Moise was the ringleader in a series of murders committed in the late summer of 1863 in the Williams Lake district. When Magistrate Cox offered a reward of £20 to the Indians for the capture of Moise, he was soon brought in and the reward money duly paid. With three of his accomplices he was tried and sentenced to be executed. The condemned man succeeded in breaking jail and Moise alone was not re-captured. Reports of the Indians' whereabouts were received from time to time but he was still at large two years later. When Nind was visiting the Shuswap Indians in July 1865, he inquired if Moise was in the neighborhood. Many of the Indians acknowledged that they had seen him. Nind told the Chief, Nesquanilith, who had a great influence over his tribe, that he would pay him a reward for Moise's capture and that he would expect him to be brought to Lytton in ten days' time. Before the end of the month the Shuswap Indians had captured Moise and delivered him to Nind at Lytton. He was sent under escort to the New Westminster jail. A note from Nind read, "I...forward...a prisoner...named Moise...convicted of murder at Williams Lake, October, 1863." Another Indian who managed for a time to evade capture was Mikiplask, one of the two Indians taken by Fitzgerald for the Morgan murder. Mikiplask escaped from the Quesnel jail in April, 1866.

10 Cox to Young, 20 September 1863, Cox Letter, MS., Archives of B.C.
11 Nind to Birch, 12 July, 1865, Nind Letters, MS., Archives of B.C.
12 Nind to C.G. Prichard, 31 July, 1865, Nind Letters, MS., Archives of B.C.
13 See above, Chapter VI, p.p. 72-73.
In August, 1866, it was discovered that this Indian was wandering about in the Okanagen. Magistrate Haynes, of the Osoyoos District was instructed to use every means to bring the murderer to justice. No expense was to be spared and Haynes was authorized to offer $500 reward for his capture. Seven months later, Nikiplask was brought in by Constable Lowe of Osoyoos.

Such instances were effective in teaching the Indians the working of the white man's law. They learned that it not only punished them for crimes committed against whites but that it protected them from unsavory whites and Indians as well. Indians were sometimes appointed special constables and as such, arrested both native and whites guilty of breaking the law. Both Begbie and Brew report instances where Indian constables were employed with good effect. At Douglas, where Brew was holding County Court and Petty Sessions Court, when an Indian he was suspected of thieving escaped, an Indian constable was sent after him and made the capture. Judge Begbie wrote of a case of horse stealing at the Lillooet assizes where the thief, the owner and the special constable were all Indians. "The native special displayed so much tact and perseverance that I ordered him a special reward of $10.00 as it is very useful to encourage this description of service."

The Colony of British Columbia experienced only one Indian massacre. On the morning of April 30, 1864, fourteen white men were taken unaware and savagely slaughtered in their tents by a band of

14 Spalding to Birch, 4 September, 1866, Endorsement signed A.N.B., 26 September, 1866, Spalding Letters, MS., Archives of B.C.

15 Sanders to Birch, 25 April, 1867, Sanders Letters, MS., Archives of

16 New Westminster British Columbian, 8 October, 1864.

17 Brew to Ball, 15 May, 1866, Brew Letters, MS., Archives of B.C.

18 Begbie to Ball, 3 September, 1866, Begbie Letters, MS., Archives of B.C.
Chilcotin Indians near the ferry on the Homathco River. The murdered men were members of a party working on a road from Bute Inlet to the Cariboo under the direction of Mr. Alfred Waddington who proposed bringing supplies over this route to the mining camps in the northern part of the Colony. Three other members of the party who escaped brought the news of the tragedy to Nanaimo and thence to Victoria.

At the time little was known of the Chilcotin Indians whose hunting grounds extended from the Coast to the Fraser River and about 150 miles from north to south. This area had been visited by only the most adventurous white men taking small pack trains through to the Cariboo. The Chilootins were a tall, athletic warlike tribe, well equipped with horses and arms. Occasionally they made war with the coastal Indians. There were two chiefs, Anaheim, who lived in the western section, and Alexis, who resided about one hundred miles from Alexandria.

The construction workers, although they had been most imprudent in their treatment of the Indians in the area, appeared blindly confident that the natives would not rise against them. Not the slightest effort was made by the men to obtain the good will of the Indians, who, little removed from a state of starvation were well aware of the stores of food ammunition and clothing kept in the construction camp. Some Indians were employed on the road but were poorly paid and not fed. They were given blankets, firearms and ammunition in payment but they would not accept food as payment because they felt it was the white man's obligation to feed them while they were in their employ. Food was begged or stolen. The unfriendliness of the natives was further provoked by the white man's treatment of the young Indian women who were well fed as the price of
prostitution. If a sound discretion had been exercised toward the Indians, the outrage probably would have been prevented.19

After the massacre the Indians marched into the interior where they were joined by other members of the tribe. Three other white men, travelling with a pack train from Bentinck Arm, also fell victim to the Indians' savagery. It was feared that the Chilcotins were on the war-path, prepared to murder every white person from the sea to the upper Fraser. The few whites who lived in the district fled for their lives. Two parties of approximately forty volunteers each, were raised to go in pursuit of the insurgent Indians. The first force was despatched from New Westminster under the command of Chartres Brew. The second started from Alexandria under Magistrate Cox. Brew's force, accompanied by Governor Seymour, was landed at Bella Coola at the head of Bentinck Arm and arrived at the scene of the massacre on May 20, after a laborious march. They pursued the murderers in Bute Inlet Mountains where the rugged nature of the country and the swollen rivers made their expedition extremely hazardous. Much time was lost waiting for horse transport to be sent up and for supplies to build bridges and scale precipices.20

Cox's party was the first to contact the Chilcotins. His second-in-command, Donald McLean, was killed in a brief exchange of fire with the Indians. It was expected that the Chilcotins would make a stand in their village but instead they retreated to the most difficult parts of the

19 Brew to Birch, 23 May, 1864, Brew Letters, MS., Archives of B.C.
20 Loc. cit
the country. From May to August a series of long, weary and fruitless marches was made by the volunteer parties. The Indians, ever on the move, just out of reach of the white men. However, since the search was in progress during the fruit and fish season, the natives were unable to gather food for the winter. Little by little, a few of the Chilootlns came to trade with members of the volunteer force, bringing news of the suspected murderers. As there was still no prospect of their being captured in their inaccessible retreats, the Indians were asked to surrender. The first to do so was Chief Anaheim who gave himself up with a portion of his tribe, to Chartres Brow. Anaheim surrendered unreservedly. He expected little mercy, but as he had not taken an active part in the massacre he was granted a pardon.21

Cox's party contacted Tellot and Klatsassin, two chiefs who had taken part in the massacre. Gifts of provisions were sent to the Indians along with a friendly invitation to come to Cox's camp. Tellot, Klatsassin and nine of their followers accepted the invitation only to find themselves surrounded by armed men. The Chilootlns were ordered to lay down their arms. All but Tellot did so. In a rage he smashed his musket against a tree and loudly declared, "King Georges men are great liars". 22 Eight of the group were escorted to Quebec for trial. Five were found guilty and hanged.

Of the Indians who had taken part in the massacre only Aklun, a powerful Chief, managed to evade his pursuers during the winter.

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21 Seymour to the Right Hon. E. Cardwell, 7 October 1864, B.C. Despatches to Downing Street, MS, Archives of B.C.
22 A.G. Morice, the History of the Northwestern Interior of British Columbia, Toronto, William Briggs, 1905, p.320
The search for him went on into the late spring of the following year. He finally decided to make peace with his pursuers and was proceeding down the Bella Coola River with several hundred dollars worth of choice furs in atonement for his crimes, when he was captured by a party despatched by William Ogilvey, the constable stationed at Bella Coola. Aklan made no attempt to conceal his guilt. He narrated the full particulars of his attack on the whites and declared he was prepared to die. His execution at New Westminster in July, 1865, closed the case of the Chilootin Massacre.

The Chilootin episode had serious financial repercussions. The cost of sending the expeditions against the Chilootins was approximately £17,000, an outlay that a young colony with a decreasing reserve could ill afford.

Oddly enough the first uniformed constables on the mainland of British Columbia were Indians. Far up the northwest coast in the area where Rupert now stands, William Duncan had established himself as a missionary among the Indians. To give him authority to punish both delinquent whites and Indians, Governor Douglas appointed him Justice of the Peace for the District of Metlakahtla. To assist in settling disputes and difficulties arising in the Indian community, Duncan appointed ten native constables. This number was soon enlarged to twenty and a request was made for a grant for purchasing a simple uniform for the "three chiefs and twenty constables of Metlakahtla". Uniforms were provided and in

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23 Seymour to Cardwell, 8 June, 1865, op. cit.
24 Seymour to Cardwell, 3 May, 1865, op. cit.
25 Young to Duncan, 2 July, 1863, Colonial Secretary's Miscellaneous Letters to LS, Archives of B.C.
26 Duncan to Douglas, 6 March, 1863, Duncan Letters, LS, Archives of B.C.
due time the constables were furnished with arms. Governor Seymour visited the settlement in 1867 and to his surprise was received on the beach by eighteen native constables well drilled and dressed in artillery uniform.

The experiment was at first fraught with difficulties; but under Duncan's management the constables made great progress in the understanding and performance of their duties. Of the native constables Duncan wrote: "They received no pay, or any promise of reward, yet some scarcely ever left the village, even to gather necessary supplies of food for the winter lest something should go wrong." 29

The Metlakahtla constables experienced much trouble at the hands of the Indian tribes in the vicinity who were well supplied with liquor from the spirit traders. On one occasion, one of the Indian constables was killed and several others wounded, by the whiskey peddling crew of the schooner Random. Although this boat was later seized by the United States authorities the men who committed the offense were not captured. 30

To impress the Indians along the extreme northwest coast with the necessity of observing British law, ships of the Royal Navy were despatched whenever they could be spared. Commander J.W. Pike of H.M.S. Devastation, made periodic visits to this area between 1862 and 1864. Pike brought back to Victoria, Indians who had perpetrated the murder of two white parties along the coast. He impressed on other

27 Duncan to Young, 10 June, 1863, ibid.

28 Seymour to Buckingham, 27 September 1867, B.C. Despatches to Downing Street, MS., Archives of B.C.

29 Duncan to A. Musgrave, 16 December, 1870, Duncan Letters, MS., Archives of B.C.

30 Duncan to Birch, 12 October, 1864, ibid.
Indians who had been accused of molesting white traders, the necessity of avoiding violence.

Periodic visits were not enough to teach the Indians the ways of the white man's law. Without continuous supervision they soon slipped back into their old ways. In October, 1871, Duncan wrote to Lieutenant Governor Trutch reminding him that no ship of war had visited the northwest coast of British Columbia for over two years. He went on to say:

"I need not have to assure your Excellency how utterly impossible it is to maintain order among numerous tribes of Indians, in possession of intoxicating liquor, - by means of native constables unsupported by an occasional ship of war - nor need to represent how much easier it is to prevent lawlessness arising by the occasional appearance of a ship of war in our midst, than it will be to correct and punish crime when it has once arisen." 31

By the end of the colonial period little progress had been made in establishing law and order on the northwest coast. Thanks to Duncan and his constables the sale of liquor and Indians violence was kept down in the immediate area of Metlakahtla but elsewhere liquor continued to be brought from Victoria by both whites and Indians. The situation was aggravated by the rush of hundreds of miners to the Skeena and the consequent attraction of hordes of Indians to the area. It was not until the 1890's when the police were provided with small sailing vessels that law was effectively established on the northwest coast.

31 Duncan to J.W. Trutch, 19 October, 1871, Duncan Letters, MS., Archives of B.C.
In the interior much progress had been made. From the mouth of the Fraser to the upper reaches of the Cariboo region, and west to the Rocky Mountains, the Indians knew and respected the white man's law. 32

CHAPTER VIII

TWO POLICE FORCES

Before this study of the British Columbia Police from 1858 to 1871, is concluded, reference should be made to the Victoria Police, for it is sometimes wrongly assumed that the British Columbia Police and the Victoria Police were originally one and the same Force. There are three possible explanations for this mistaken idea. First, both Forces were formed at the time of the Fraser River gold rush. Second, Augustus F. Pemberton, Commissioner of the Victoria Police, and Chartres Brew, occasionally sat on the Victoria Bench together as committing magistrates. Third, both Forces came into existence under the direction of Governor James Douglas. A brief summary of the history of the Victoria Police and its relation to the British Columbia Police, will show that the two Forces were separate organizations during the colonial period.

Vancouver Island was formally constituted a Colony in 1849. Justice under English law was first administered by Richard Blanshard, the Colony’s first Governor, who arrived at Victoria in March, 1850. Since there were no colonial funds from which to pay peace officers, Blanshard acted as both Governor and Justice, and when he wanted a constable, he swore one in. Dr. John Sebastian Helmcken, a medical officer of the Hudson’s Bay Company, was appointed in 1850 as Magistrate at Fort Rupert on the north-east corner of the Island where the Company carried on coal mining operations. In the summer of 1850, Governor Blansard instructed Helmcken to appoint special constables to control the unruly miners. However, no one was found

1 For instance in an article in the Victoria Colonist, 17 November, 1946: "...the [British Columbia Provincial Police] was first known as the 'Crown Colonies Police of British Columbia and Vancouver Island'."

2 Begg, History of British Columbia, p. 189.
willing to undertake the duty.  

After James Douglas became Governor of Vancouver Island in 1851, justices of the peace, and constables were appointed for the Victoria settlement and district. They were paid according to a scale of fees proposed by the justices and confirmed by the Governor-in-Council. For serving a summons, the justices received four shillings, and for executing a warrant, the constables were paid the same amount. For occasional protection against Indian attacks, reliance was placed on a guard of "voltigeur which resembled the American posse, raised only when needed. It was Douglas' policy always to punish any Indian who had committed a crime against a white man. If necessary, he called on Her Majesty's Naval Forces in the vicinity, to supply a body of men strong enough to impress the Indians. At one time, a force of about 400 seamen and marines, and eighteen Victoria Voltigeurs, was used to capture a Cowichan Indian who had attempted to take the life of one of the white settlers.

When the Fraser River gold rush began, thousands of miners were stopping at Victoria on their way to and from the diggings. It was then necessary to establish a regular police force at Victoria. On July 17, 1858, Douglas appointed Augustus F. Pemberton, an Irishman with a reputation for fearlessness and determination, as Stipendiary Magistrate and Commissioner of Police for Vancouver Island, and authorized him to organize a regular

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3 Ibid., p. 192.

4 In 1853, there were 450 white settlers on Vancouver Island, 300 at Victoria, 125 at Nanaimo and 25 at Fort Rupert. Ibid., p. 201.

5 December 2, 1853, Minutes of the Council of Vancouver Island, MS., Archives of B.C.


7 Douglas to Labouchere, 6 September, 1856, V.I. Despatches to Downing Street, MS., Archives of B.C.
body of paid policemen for Victoria. Pemberton came to Vancouver Island in 1855, from Dublin, where he had practised law for some years. He was an uncle of J.B. Pemberton, Surveyor-General of Vancouver Island, and a brother-in-law of Chartres Brew.

In August, 1858, Pemberton advertised for "a few strong young men, not under 5 feet 9 inches in height, with good character, to serve in the Police Force". Unlike the police on the Mainland, who were not distinguished in dress from ordinary citizens, Pemberton's stalwart recruits were put into blue uniforms, trimmed with large plain brass buttons. The Victoria Police, which numbered about fourteen men in all, was organized on the London Metropolitan model. In addition to Commissioner Pemberton, the establishment included one Inspector and two sergeants. In 1860, the position of Superintendent was added. The office of Commissioner of Police was abolished in 1864, but Pemberton retained his office of Stipendiary Magistrate and continued in charge of the Victoria Police.

Outside of Victoria, arrangements for policing were unsatisfactory. Only in cases of emergency, such as the threat of Indian disturbances, was the service of the Victoria Police extended to the outlying districts. At Nanaimo, there was a magistrate but no paid police. One of the first magistrates there was a Captain Stuart who was reported to have hung one Indian and flogged another without giving either a fair trial. Stuart, whose office was presumably unsalaried, was replaced by a stipendiary magistrate, W.H. Franklyn, in the summer of 1860. Franklyn remained in

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8 Douglas to Lytton, 11 December, 1858, ibid.
9 Scholefield and Howay, op. cit., IV, 3.
10 Augustus Pemberton married Augusta Brew, sister of Chartres Brew.
11 Victoria Weekly Gazette, 5 August, 1858.
12 Ibid., 16 October, 1858.
office until 1867 when he was replaced by Warner Spalding. In 1870, the state of the police at Nanaimo, however, was still unsatisfactory.

The Victoria Police was, until 1866, under the control of the Government of the Colony of Vancouver Island. That it was organized as a separate Force from the Police on the Mainland is shown in the following despatch from Douglas to Lytton:

I beg to inform you...that the appointments made for the Colony of Vancouver's Island are entirely distinct and do not in any degree interfere in the appointments...in British Columbia...their salaries are paid by the Hudson's Bay Company out of the proceeds of land sales affected in Vancouver's Island.

After the union of the Colonies, both the Victoria Police and the British Columbia Police came under the Government of British Columbia. Nevertheless, they were administered as separate units. In Victoria, Magistrate Pemberton continued to direct the police, while on the Mainland, and also at Nanaimo, the magistrates retained local authority over the constables in their respective districts. All were directly responsible to the Governor-in-Council. This arrangement continued until Confederation.

14 Victoria Colonist, 17 December, 1866.
15 Ibid., 10 October, 1859.
16 Barkerville Cariboo Sentinel, 6 May, 1867.
17 In 1870, Nanaimo had a population of 600 to 700 white people, and three nearby Indian tribes who were frequently given to drunken orgies. There was only one constable for the entire district. The Nanaimo jail was insecure, and accessible on all sides, enabling persons on the outside to hold conversations with the prisoners and, if they chose, pass liquor and weapons to them through the window. Begbie to Hankin, 5 December, 1870, Begbie Letters, MS., Archives of B.C.
18 Douglas to Lytton, 15 April, 1859, V.I. Despatches to Downing Street, MS., Archives of B.C.
In 1871, the control of police was transferred from the Governor-in-Council to the Attorney General's Department. Until a Superintendent was appointed exclusively for the Provincial Police, the Victoria and the British Columbia Forces were closely related. In this period of transition, starting at Confederation and ending with the appointment of a Superintendent of Provincial Police, the Victoria Police were headed by Magistrate Pemberton until a Superintendent for both Police Forces was appointed in 1875. Just after Confederation the following opinion was expressed in an editorial on the Victoria Police:

...let the force be under the immediate supervision of a thoroughly competent officer, who might possibly occupy the position of Inspector of Police for the entire province thus establishing the connecting link throughout the whole so desirable. 19

The "connecting link" referred to, was supplied presumably, in 1875, when Charles Todd was appointed Superintendent of Police. 20 Todd, who remained in officer until 1884, was placed in charge of both Forces. 21

The citizens of Victoria, however, were still dissatisfied. Now 19 Victoria Colonist, 4 January, 1872.

20 Ibid., 2 May, 1875. In 1874 A.F. Pemberton was succeeded as Police Magistrate by A.C. Elliot. Ormsby, op. cit., p. 70. After that time the Police Magistrate at Victoria was no longer in charge of the Victoria Police Force.

21 Charles Todd may be claimed as the first Superintendent of the Provincial Police. John Howe Sullivan has been referred to as a Superintendent of the British Columbia Police but there is little ground for this assumption. In November, 1872, Sullivan was appointed "Warden of the Gaol and Superintendent of Police in Victoria", after he had resigned as magistraclerk and mining recorder in the Cariboo. It is not likely that he was in charge of either or both Forces. In 1872, Pemberton was still nominee in charge of the Victoria Police and in 1875, Sullivan was "promoted" to Gold Commissioner in the Cassiar District.
Victoria policemen, appointed and paid by the city council, were being sent beyond the city limits to perform provincial police duties. Another editorial, in 1880, reads: "... the city should have its own chief. Let the provincial chief attend to the provincial force." 22 Although the Superintendent was employed by the Provincial Government most of the time was taken up in the Municipal Police Court. His divided responsibilities were a hindrance to the development of both Police Forces.

It is not just clear when the Victoria Police became independent of Provincial control. However by November 1883 C.P. Bloomfield had been appointed Superintendent of the Victoria Police. 23 Prior to his appointment Bloomfield was a sergeant in the City Force. By the end of the year he was "Inspector and Chief of the city force." 24

In 1900 John H. Langley became "Chief of the Victoria Police Department." 25 At that time there were only twenty men in the Victoria Police. Chief of Police Langley reconstructed the entire department to cope with the problems brought in by increased population and growing industrialization.

It is clear, therefore, that in 1856 there was not one police force, but two. The one was the forerunner of the present Victoria City Police Force; the other became the British Columbia Provincial Police.

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22 Victoria Colonist, 27 August, 1880.
23 Victoria British Colonist, 1 November, 1883.
24 Victoria British Colonist, 1 January, 1884.
25 "Chief of Police Langley," Victoria Police Department, February, 1902.
26 The Victoria Police officially recognized 1862, the year of the city's incorporation as the year of its origin. "The Victoria Police Department."
Chapter IX

Police Traditions

The development of the British Columbia Police can be divided into three general phases in which there is considerable overlapping. The first phase began with the arrangements to police the Fraser River gold fields and lasted until Confederation. The second phase included the period from Confederation to 1923. The final phase was the modernization of the Force by the Police and Prisons Regulation Act of 1923, and the subsequent improvements in methods, equipment and training. This development was influenced by the police system of Great Britain and also by the Royal Irish Constabulary.

The effect of the British system of police is, of course, most evident in the first phase. Douglas' draft of instructions for the first magistrates stated that the head of their establishment would "also act as Chief Constable, and his duties will be those ordinarily belonging to such officers." Thus the British Columbia Police inherited the historic office of constable as "a citizen acting on behalf of his fellow citizens." The idea of local control was also copied from the British, although in British Columbia the purpose of local control was different from that in England.

In later years the influence of the Irish Constabulary on the development of the British Columbia Police becomes more noticeable.

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1 See above Chapter V page 68.
2 See above Chapter I page 3.
This is not surprising because in the nineteenth century most of the British Colonies adopted the Royal Irish Constabulary as a model in organizing their police forces. The British Police is traditionally an unarmed civilian force subject to local control rather than to control by a central government. These traditions had little appeal outside of Great Britain. On the other hand the Irish Constabulary, which was established in 1836 was organized along military lines under officers with military experience. The men lived in barracks, were given military training, and unlike the British Police, were fully armed. Such a force was particularly useful for a central government in quelling disturbances. In 1873 the Royal Irish Constabulary was taken as a model in the formation of Canada's North-West Mounted Police. It was an ideal type of force for policing the remote, sparsely populated and troublesome North-West.

There is little evidence of the influence of the Royal Irish Constabulary on the British Columbia Police in the colonial period, which at times must have sorely troubled Charters Brew. The colonial constables were armed, or at least were provided with weapons when they needed them. Apart from their carrying arms, however, they bore no resemblance to the famous Irish Force. Even after 1871 British Columbia was slow to develop a semi-military police force. Confederation resulted in the British Columbia Police coming under the control of the Provincial

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4 See above, Chapter III, p.21.
Government, but it was still a police force in name only. A substantial change did not come about until 1923 when the British Columbia Police was brought into line with other territorial forces. It is interesting to note that this occurred just after the Royal Irish Constabulary ceased to exist.  

One of the main reasons for the delay in reforming the British Columbia Police was the tradition inherited from the police system of the colonial period. From 1858 to 1871 the British Columbia Police gave satisfactory service in spite of the handicaps under which the constables worked. How well the Police served the Colony can clearly be seen by comparing the policing of British Columbia with the policing of the Yukon Territory during the Klondyke gold rush.

In 1900 there were about 50,000 white people in the Yukon Territory. To preserve law and order, the Federal Government sent in 300 officers, non-commissioned officers and men of the North-West Mounted Police, or one policeman to every 166 inhabitants. In 1865 British Columbia had a population of about 9,000 Europeans and 3,000 Chinese. The preservation of law and order was left to eight magistrates and eighteen untrained constables, or one peace officer to every 460 persons. This comparison does not take into account the fact that the Yukon did not face any potential Indian disturbances such as from time to time threatened in British Columbia. That the small British Columbia Police

6. It came to an end when the Irish Free State was established.


8. Seymour to Carnarvon, 31 October, 1866, B.C. Despatches to Downing Street, M.S., Archives of B.C.
Force was able to preserve law and order in the Colony for thirteen years without any serious alterations or criticisms speaks highly for the men who served in the Force.

The system was well adapted to a colony with limited revenue where placer mining was the principal occupation. Because of the limited revenue, the duties of the police were integrated with the administration of the gold fields as well as with duties in almost every other sphere of local government activity. In other words the constables served in many extraneous capacities but were also available for police duty. In this way the Colony was saved the expense of employing two sets of officials.

It was really due to the magistrates, who proved themselves useful as administrators as well as police authorities, that the police system continued to function.

During the first years of the colonial period, when the population consisted mainly of transient miners, the magistrate was looked to principally as a protector of person and property. These miners, intent mainly on making their fortunes and leaving the country, were not interested in the development of the Colony. As a more settled population developed, the magistrate's sphere of usefulness to the citizens was widened. The settlers were not only concerned with their own welfare, but also with that of the Colony. Although they still looked to the magistrate for protection, they also came to regard him as their link with the rest of Government. The inhabitants of each remote and isolated district, were thus through their magistrate, represented in the government. With the magistrate of each district reporting to the Governor of all matters of interest, the widely scattered districts became a political unit. The effectiveness of this system was given recognition.
when, on the formation of a Legislative Council for British Columbia, five of the fifteen seats were allotted to the magistrates.

In a placer mining community, where it was in the common interest of the individual miners to support the constituted authorities, there was no difficulty in obtaining extra assistance in the form of special constables. How effective the co-operation between magistrate and miners could be, is illustrated in Hind's arrival at Ferguson's Bar. The police, with the support of the miners in their role of special constables, were then the joint trustees of the law.

After the golden days of the Cariboo, individual mining operations gradually gave way to large mining companies. A breach of law by one of these companies, such as occurred in the Grouse Creek War, did not offend against any moral code or arouse indignation among the inhabitants. In dealing with such offences, the magistrate and his constables could no longer count on the same support from the community which they received when protecting it against drunkards and thieves. An unruly company was different from an unruly miner as Magistrate Hall discovered. The Grouse Creek War was an incident which showed that the police system of British Columbia was becoming inadequate for the needs of the growing Colony.

However, the popularity of the police was not affected by the Grouse Creek affair. In fact, throughout the colonial period there was little fluctuation in the general good will which prevailed between police and public. In the Victoria Police Force, which had as many constables as there were in the whole of the Mainland, the main criticism of the police came from the press. What criticism there was of the British Columbia Police came from Governors Seymour and Douglas, both of whom were im-
mediately aroused at any sign of weakness in enforcing the law. The people of the Colony, found little to criticize in the services rendered by their constables. Probably, this goodwill which existed between the British Columbia Police and the public was partly an expression of sympathy with the numerical weakness of the police, and partly due to the fact that since the police wore no uniform, they were not set apart from the ordinary citizens. The main reason for it, however, was that the magistrates and constables proved their worth as individuals.

The members of the modern police force are motivated as much from the esprit de corps of their organization as they are from a sense of duty to the public. It is the force behind the individual rather than the individual himself, which is feared by the criminal. In the loosely organized British Columbia Police there was little, if any, esprit de corps and no strong police organization behind the individual constables. These men acted from a sense of personal honor and of duty to the public. In the British Columbia Police there were no awards for gallantry yet the constables were prepared to jeopardize life and limb in the performance of their duty. If some criminals went unpunished, it was due to the fact that too few constables were employed, a thing that the constables themselves could do nothing about.

It is significant that in British Columbia, the term "constable" was used rather than "police." Although the words are synonymous, "constable" is an older and friendlier term, which suggests an official whose duty it is to protect the citizens by upholding the laws of society. The term "police," on the other hand, even to the citizens of a democratic country, has an unpleasant ring, for it is one of the functions of the police to see the citizens obey the dictates of the Government. The concept of the constable acting as an individual in the interest of his
fellow citizen rather than as a member of a force acting on the orders of the government, established a tradition which was inherited by the British Columbia Provincial Police Force. Without tradition, there can be no esprit de corps. Without esprit de corps, there can be no Force.
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Morrell, W. P., *The Gold Rushes*, London, Adam and Charles Black, 1940. This volume is particularly useful for it compares the Fraser River and Cariboo gold rushes with the gold rushes in California, Australia, and the Yukon Territory.


This analysis of the work of Judge Bogie in British Columbia was used extensively. It includes several references to the magistrates and constables.


This is a valuable reference on the principles and traditions of the British Police system.


This work is essential for understanding Douglas' resolute policy regarding law and order.


This work is a valuable contemporary description of the Fraser River gold fields.


This book contains a useful biographical section.


This book is a valuable reference for the author was personally acquainted with a few of the men who served as constables and magistrates.

Unless otherwise stated the above references are contained in the Provincial Archives of British Columbia.
This appendix was compiled mainly from manuscript sources and newspapers in the British Columbia Archives. No references have been given since in most cases the information for each individual was obtained from many different sources. The appendix shows the rate at which constables were replaced, the reasons for discharge, the duties performed, some notes on their background, and in some cases remarks on personal character which were obtained from magistrates' correspondence.

AGASSIS, CAPT. LEWIS NUNN - 1864, constable at Hope; May 1864, transferred to Yale as chief constable and clerk; 1866, transferred back to Hope; discharged 1867, at Yale; was inefficient because unable to do large amount of writing and accounting required of a chief constable was at one time a lst Lt. in the Royal Welsh Fusiliers; died at Acre, Syria, July 15, 1880.

BADCOCK - prior to February 1860, resigned as constable at Yale.

BAKER, JOHN S. - July 1861, appointed chief constable at Rook Creek, on recommendation of A.C. Elliott; 2nd Cpl Royal Engineers; died February 1862.

BALL, HENRY MAYNARD - June 1859, appointed Stipendiary Magistrate and Assistant Gold Commissioner at Lytton; by 1861 was a County Court Judge; remained at Lytton 1859-64; 1865-66 Magistrate at Quesnel; 1866 Acting Colonial Secretary; May 1867, transferred to Cariboo; August 1867 transferred to New Westminster; 1870, back to the Cariboo; Member, Colonial Legislative Council.

BATESON, HENRY - 1865, constable at Harrison River, had resided in the district for many years previously.

BEDFORD, CHARLES JOHN RILAND - January 1859, appointed Justice of the Peace for Langley; until approximately April 1859, same.

BEVIS, WILLIAM HENRY - 1858, appointed Revenue Officer at Fort Langley; March 1859 transferred to Douglas as Postmaster and Constable.

BOYD - 1869 appointed chief constable, Lytton; 1870, same.

BREW, CHARTRES - see Chapter III.

BREW, TOMKINS - June 1862, appointed "High Constable" at New Westminster, July 1865 sent to San Francisco to bring back the murderer of Wm. Ogilvie; April 1869 transferred to Bute Inlet as deputy collector of customs, postmaster and chief constable; "excellent and trustworthy"; a brother of Chartres Brew.
APPENDIX "A"

BROWN, D - June, 1859, appointed as constable at Fort Dallas; previously committed for robbery and attempted murder (November, 1858); on death of prosecutor, Brown escaped trial.

BROWN, JONATHAN S. - September, 1865, appointed constable at Douglas; 14 June, 1866, transferred to Clinton as postmaster and toll collector died 1867.

BROWN, John George - 1863-64, assistant jailer New Westminster; June, 1864 transferred as constable and jailer at Richfield; March, 1865, transferred to Kootenay; July, 1865, resigned at Wild Horse Creek because of the general reduction in constables' pay.

BROWN, ROBERT A - August, 1867, appointed constable Cariboo; resigned December, 1869, to work in Bank of B.C.; one of five supernumerary constables appointed after Grouse Creek War in Cariboo.

BURKE, - 1861 constable at Lytton; October, 1861, at Rock Creek.

BUCKNER, CHARLES GODDARD - June 1860 constable at Yale; not in service in October, 1860.

BURR, Joseph - appointed February, 1869, chief constable and postmaster at Yale; discharged July, 1870, for drunkenness and insubordination; schoolmaster at Yale, 1865, 1866, Sgt Major in H.M. 62nd Regt.


BUTLER, G - August 28, 1862, appointed toll clerk at Lytton; resigned March, 1865.

BYRNES, GEORGE - August, 1867, appointed jailer in Cariboo, vice Dewdney.

CAREY, JOSEPH W - September 15, 1858, appointed constable, Fort Yale; still at Yale in January 1859; Sergeant Victoria Police 1860-1861.

CARRINGTON, JOHN S. - 1863-64 constable in Cariboo; June 27, 1867 transferred to Kootenay vice Lawson, deceased; still constable in Kootenay 1871; prior to November, 1863 served in Victoria Police Force; a "determined cool and efficient" officer.

CHAMPNESS, J. - prior to June, 1864, was in government service at Hope or Yale and lost appointment through some misunderstanding; reinstated July 14, 1864, appointed constable, toll collector and postmaster at Clinton; resigned in 1866 when ordered to another station.
APPENDIX "A"

CHAPMAN - August, 1862, appointed constable at Antler Creek.

CHISHOLM, DAN B. - June, 1864, was appointed constable at Richfield, previously, special constable, Richfield; resigned June 9, 1865 to become deputy sheriff; in October - December 1868 was supervising building of Fort Hope trail.

COCHRANE, W.N. - April, 1863, appointed constable at Lytton, promoted to chief constable, May, 1863, vice Fitzgerald; served in Lytton until May, 1866, when he was transferred to Richfield as clerk at Richfield until 1870. Died, November, 1870 (lost in steamer "City of Boston") possessed "pre-eminent qualities as a public servant".

COFFEE, EDWARD - April, 1860, appointed constable at Yale; remained as constable at Yale until 1870; a native of Ireland; one time hotel keeper in Australia; came to B.C. in 1858; died September 9, 1884.

COLLINS, John - September, 1860, appointed constable at Lytton; transferred to Rock Creek and Similkameen in 1861; discharged October, 1862, due to lack of funds in the district; served with "unimpeachable fidelity".

COMELINE, HENRY J. - 1860 - 1864 clerk, postmaster, deputy sheriff and chief constable at Yale; transferred to Williams Creek, 1865; Williams Creek 1866; "efficient, zealous and trustworthy".

COONEY, B.G. - Lillooet, constable and toll collector, 1862-66; May 7, 1864 transferred to Richfield as constable, clerk and jailer vice Wood; resigned July, 1867, to take up farming and stock raising.

COOTE, - August, 1862, appointed constable and jailer at Forks of Quesnel, vice Finchbeck.

COX, John - appointed August, 1867, in Cariboo as one of the 5 supernumerary constables stationed there after Grouse Creek War; resigned June, 1868; member Royal Engineers.

COX, W. GEORGE - January, 1859, appointed constable at Yale; March, 1859, appointed deputy collector of customs at Kamloops; 1860, was sent to Rock Creek as Justice of the Peace and Assistant Gold Commissioner; March 1863 to Cariboo; April, 1867, transferred to Columbia District; appointed County Court Judge October, 1867; 1868 magistracy at Big Bend closed; Cox declined minor position as customs official and resigned.

CRAIGIE, - 1860-1863, chief constable at Hope, discharged duties with "zeal, ability and satisfaction".
APPENDIX "A"

CRAWFORD, H - 1862, constable Lillooet and later at Douglas; 1867, jailer at New Westminster; born in Canada.

CRAWFORD, Matthew W - 1868, constable New Westminster; possibly same man as H. Crawford.

CROSSIER, DOUGLAS - November, 1858, constable at Lillooet.

CU DLIP, T.H. - Spring of 1864, appointed constable at Cariboo.

CUE - prior to August 1864, appointed by Drew at Douglas; September, 1864, transferred to Lillooet; (in August, 1864, Cue was suspended at Douglas but Governor Douglas interceded on his behalf since he had been recommended by Chartres Drew) October, 1865, resigned; ex-Irish Constabulary.

CURRAN, MICHAEL - January, 1859, appointed constable at Yale; resigned June, 1859.

DANBERRY, EDWARD - 1864, at New Westminster; June, 1864, transferred to Douglas as chief constable vice Nunn; 1866, to New Westminster as jailer; 1868, suspended because of escape of prisoner.

DAUBENY - a general confusion with Danberry throughout the correspondence due to illegible handwriting; probably same as Danberry; captain in militia in England.

DEAS, WILLIAM - appointed constable Fort Shepherd April, 1865; discharged November, 1865; sapper in the Royal Engineers.

DAVIS - 1858-59, constable at Yale and chief constable at Lytton, discharged March 1859 because he ran a public house while holding position of chief constable.

DESPARD, F.R. - August, 1862, appointed magistrate's clerk at Williams Creek; resigned January, 1863; a "Despard" was in the Victoria Police before 1862.

DEWDNEY, - 1859, revenue officer at New Westminster; appointed constable and jailer, Cariboo July, 1867; discharged August, 1867, for letting prisoner escape.

DONnellian, B.C. - October, 1858, appointed chief constable at Yale; resigned December, 1858; born in the U.S.; captain in San Francisco police; came to B.C. in July, 1858, prospecting; unsatisfactory service as constable.

DUFFY, JAMES - August, 1865, appointed in Kootenay, vice J.G. Brown; member of Irish Constabulary for 12 years.
APPENDIX "A"

EATON, GEORGE - April, 1866, temporary appointment as constable at Richmond until May, 1866 replacing Wood; June 8, 1866 temporarily reappointed until July 22, 1866 when Constable Sullivan arrived; 1869 was recording officer in Cariboo vice Cochrane.

EDMONDS, SAMUEL - prior to 1862, constable at Hope; constable, East Cariboo 1862; resigned August 4, 1862.

EDWARDS, STEPHEN - 1862, appointed constable Cariboo.

EDWARDS, WILLIAM H.I. - approximately July, 1862, appointed constable in Alexandria District; constable and guard at New Westminster 1865-73; sapper Royal Engineers 16 years, 5 months; (formal discharge from R.E. November 1866).

ELLIS, ANDREW CHARLES - 1860, County Court Judge at Yale; July, 1861 appointed Justice of the Peace and Assistant Gold Commissioner at Lillooet; 1862-1867, magistrate at Lillooet; 1867 appointed High Sheriff of B.C.; 1874, Police Magistrate at Victoria vice A.F. Pemberton; 1876 - 1878 Premier of B.C.; born in Ireland 1829; Barrister-at-Law; arrived in B.C. about October, 1859.

ELWYN, THOMAS - 1858, constable at Yale; promoted to chief constable the same year; June 8, 1859, appointed Magistrate and Assistant Gold Commissioner for Lillooet; May, 1861, appointed County Court Judge; 1861 - 1862, in command of Gold Escort; Magistrate of West Cariboo district, 1862 until he resigned in December, 1862, due to mining interest; 1864 was temporarily reappointed as 2nd in command under Brew of Chilcotin volunteers; 1866 Stipendiary Magistrate with Western Union Telegraph Co. survey; 1868 member, Legislative Council.

EVANS, WILLIAM - March, 1861, appointed jailer and constable at Yale; also was tollgate keeper at Yale 1862-66; 1866 transferred to Lillooet vice Cue; was constable at Lillooet 1866-1870, and deputy sherriff, appointed May 1867; chief constable Lillooet 1870-71; a man of "proven integrity".

EVERARD, LOUIS - December, 1864, appointed Justice of the Peace; 1865 jailer at New Westminster vice Gompertz; left for England December, 1865.

FITZGERALD, WILLIAM H. - in service in 1860; 1862, chief constable at Lytton; appointed chief constable Cariboo West, April, 1863; continued as chief constable in the Cariboo until 1870; April, 1870 transferred to the Omineca district; April, 1872, appointed Magistrate and Assistant Gold Commissioner of the Omineca District; a native of Eastern Canada (Quebec or Ontario); "steady character, efficient, courteous, extensive knowledge of languages"; died June, 1872 in the Omineca, approximately 42 years old.
FITZSTUBBS, NAPOLEON - July, 1861, appointed constable, collector and jailer in Alexandria district; 1862 and 63 at Williams Lake; after Confederation provincial constable and mining recorder in Cassiar district; transferred to Nelson as Government Agent; 1897, appointed warden of Nelson jail; superannuated in 1900.

FLYNN, ROBERT JOHN - 1858 to 1861, chief constable at Lillooet except for a few months in 1859 as chief constable at Lytton; Brew did not speak well of him.

FRANKLIN, - constable at Douglas 1863 - 1865.

FRANKLIN, WILLIAM HALE - 1860 - 1867 magistrate at Nanaimo; dismissed 1861.

GAGGIN, T. BOLES - April, 1859, appointed stipendiary Magistrate and Assistant Gold Commissioner at Douglas; in 1863 or 1864 was suspended but reinstated in 1864 with a clear record; 1864, transferred to Quesnel; 1865 at Quesnel and Douglas; May, 1866, transferred to Kootenay; died May 27, 1867.

GEARY, CAPT - 1863, constable at Williams Lake.

GIBSON, - 1861, constable Rock Creek or Similkameen.

GODIE, - 1860 and 1861, constable and toll collector at Yale.

GOMFERTZ, GEORGE E. - 1861, Magistrate's clerk at Alexandria; May, 1861, transferred as chief constable and postmaster to Williams Lake; 1864, was dismissed because Williams Lake establishment closed; presumably appointed jailer at New Westminster, 1864; resigned as jailer (New Westminster), July, 1865; native of Cork, Ireland; seven years in Royal Grannigan Militia, rank of captain.

GONDERS - February, 1861, toll collector at Yale.

GRIGG, GEORGE - August, 1867, appointed constable in Cariboo (Grouse Creek War reinforcements); discharged, January 1869; reappointed December, 1869, vice R.A. BROWN; still constable in Cariboo March, 1870.

GRIGG, F - 1858, chief constable for Fort Dallas district.

GUERRA, H.B. - 1863, constable at Williams Lake; 1864, jailer at New Westminster 1865, constable at Lytton promoted to chief constable May, 1866; October 1866 transferred to Yale; 1867, resigned (in November or December); drinking interfered with duties, otherwise steady and attentive.

HAGLEY, - 1858, constable Yale district.

HALL, A.S. - June, 1864, appointed constable at Yale; transferred to Lytton District October, 1866; chief constable Lytton 1867, 68, 69 -
APPENDIX "A"

HAMILTON, GEORGE - 1863-1865, chief constable and deputy sheriff at Richfield; May, 1865 discharged for mining speculation.

HANL, GEORGE - August, 1866, officer at jail, New Westminster.

HANKIN, C - April or May, 1862, appointed clerk at Williams Lake; resigned August 1862.

HANKIN, G (or T) - 1860 constable at Lillooet; June 1861, appointed constable at Williams Lake; resigned August 1862. (Both Constable Hankins resigned in the same month at Williams Lake).

HARDIE, A - October 1860, New Westminster.

HAYNES, JOHN CARMICHAEL - January, 1869, appointed constable, clerk, and revenue officer at Yale; 1860, chief constable at Yale and deputy collector of customs at Rock Creek; 1861, transferred to Similkameen in same capacity; June, 1864 appointed Justice of the Peace; Magistrate in Osoyoos and Kootenay Districts; same 1865; 1866 Magistrate and County Court Judge, transferred to Big Bend (Columbia under Magistrate O'Reilly; 1867-69, deputy collector of customs, Osoyoos; 1870-71 Magistrate Kootenay District.

HICK, ALEX - 1860 constable at Lytton.

HICKS, Richard - June, 1858, appointed revenue officer at Fort Yale; acted as Magistrate and Assistant Gold Commissioner until December 1858 when he was relieved of magisterial duties; discharged, 1859; unsatisfactory service.

HICKSON, HENRY - 1858 constable at Hill's Bar; dismissed February, 1859.

HIGHTON, F. - October, 1860, acting jailer at Hope.

HILL, JOHN - 1860, chief constable at Lytton, also jailer and cook; undertook expedition in search of a route across to Pemberton Lake from Lytton in 1860.

HOUGHTON, - 1865, 1866, constable at Lytton.

HOWLETT, FRANCES E. - May, 1866, appointed constable in Columbia; December 1866 appointed assistant jailer at New Westminster; resigned May, 1867.

HOWTON, EDWARD D. - August, 1867, appointed constable in Cariboo; June, 1869, resigned. One of the Grouse Creek War reinforcements.

HOWSE, SAMUEL C. - March, 1865, constable at New Westminster; April 30, 1866 resigned; served in Boundary Commission.
APPENDIX "A"

HUDSON, - 1860-67, chief constable and jailer at Yale.

HUGHES, J.L. SHAW - March, 1865, constable and jailer at Douglas; 1865, transferred to Similkameen in 1865 and Fort Shepherd in 1866; 1867 at 49° Creek; October, 1867, to Clinton as constable, postmaster and toll collector; 1876, government agent; came to British Columbia in 1858; was an officer in the opium trade and a midshipman and mate in Messrs. Greens' employ.

HULTZ, - October, 1868, appointed constable Fort Dallas.

HUMPHREYS, THOMAS BASIL - March, 1859, appointed constable and chairman at Fort Hope; 1860 chief constable at Douglas; reputation for fearlessness. July, 1860 resigned; born in Liverpool, England, 1840, midshipman in India Company; mined in California, came to British Columbia July 26, 1858; 1876, became B.C. Minister of Finance and Agriculture; died, 1890.

JANE, JOHN - 1865, constable at Derby, May, 1865 constable at Fort Shepherd; 1866, 67 chief constable and postmaster at Fort Shepherd; a corporal in the Royal Engineers.

JOHNSTON, - 1863, constable at Williams Lake; discharged Jan. 1, 1864.

KEARNEY, L. - 1865, Toll collector at Lytton.

KIRBY, WILLIAM HENRY - September, 1858 chief constable at Yale; November, 1858 resigned; from Australia.

LADNER, William H. - September, 1858, constable and collector of customs at Fort Hope, first constable appointed on mainland; father-in-law of Judge F.W. Howay; there is a memorial to W.H. Ladner in Ladner B.C erected by members of the Ladner family.

LAWRENCE, I.W. - December, 1867, appointed constable Comox; an American.

LAWSON, JOHN - July, 1865, appointed a constable at Kootenay District; died May, 1867, shot in line of duty; came from the Maritimes.

LEAN, - 1865, constable in Kootenay District, dismissed June, 1865, for letting prisoners escape.

LEMITH, MACH - January, 1859, appointed constable at Yale.

LEWIS, - 1865, constable in Kootenay.

LINDSAY, JAMES R - prior to Aug. 1867, constable at New Westminster; August 1867, sent to Cariboo; 1868 discharged; July, 1869, reappointed as constable in Cariboo; 1871 chief constable in Cariboo; became provin constable at Barkerville; died February, 1890; sergeant in the Royal Artillery for 21 years; served with Royal Engineers in B.C.
APPENDIX "A"

LIPSITT, ROBERT - March, 1859, appointed revenue officer at Fort Langley; constable at Derby, November 1859-65; dismissed, 1865, when inhabitants Derby moved to New Westminster; "respectable and trustworthy".

LOWE, WILLIAM H - 1864, constable Osoyoos; May, 1865, appointed chief constable and collector of customs at Osoyoos; was still at Osoyoos in 1871; lost one hand and one arm in an accident in 1871; turned to ranching in Osoyoos District; died December 13, 1881, age 42; an "excellent public officer".

LYNDON, C.A. - 1865, constable in Kootenay district.

LISSIDON, CORNELIUS - August, 1864, appointed constable at Wild Horse Creek.

McBRIDE, ARTHUR - July, 1870, appointed warden of the jail, New Westminster; vice PRICHARD, deceased; formerly a jailer at Victoria.

McCAFFRAY, N.L. - October, 1860, appointed constable at Rock Creek; November, 1861, transferred to Similkameen.

McKENZIE, - 1858, constable in Yale District.

MCKEON, JOSEPH T. - May, 1859, appointed chief constable and deputy sheriff at New Westminster; suspended November, 1861 for forging signatures on vouchers, not with criminal intent; was New Westminster's first constable; had served with Mounted Police of Australia; was "zealous and anxious in the performance of his duties".

McLEAN, DAVID - September, 1858, appointed constable at Yale; resigned May, 1859.

McLOUGHLAN, DAVID - 1864, constable in Kootenay.

McNAMARA, - 1860 - 66, constable at New Westminster.

McNEILL, JAMES - 1864, constable Richfield; resigned November, 1865, due to mining interests; a "trustworthy officer."

McROBERTS, HUGH - September, 1859, appointed jailer at Fort Yale.

MILLER, JAMES - 1863-64, constable at Douglas; 1864, drowned in Douglas Lake.

MOORE, W.M. - January, 1859, appointed constable at Douglas; March, 1859, transferred to Yale; June, 1859, discharged.

MCGILL, - constable at Yale, September, 1859.

NICHOL, C - before October, 1859, Justice of the Peace at Douglas.
APPENDIX "A"

NIND, PHILLIP H. - July, 1862, appointed Stipendiary Magistrate and Assistant Gold Commissioner for Alexandria district; 1862, 9 months leave of absence; 1863, Williams Lake; 1864, Magistrate at Douglas; 1865 at Lytton; January, 1866 resigned and went to Australia; died April 11, 1896 in London.

NORMAN, MARTIN - December, 1858, appointed constable at Yale; September, 1859, constable at Douglas.

NORMANSELL, JAMES - March, 1865, appointed constable Kootenay and chief constable, June, 1865; still serving in Kootenay as chief constable in 1871; died, 1884; "one of the most satisfactory public officers in the Colony;" Corporal in Royal Engineers for 15 years (formally discharged Nov. 1866); Sergeant-major in New Westminster Volunteer Rifle Corps in 1864.

NUNN, CAPT - 1863, chief constable at Douglas; June, 1864, dismissed for not sending in postal accounts.

OGILVY, JOHN DRUM AND BUCHANAN - 1864, Justice of the Peace, constable and collector of customs, Bella Coola; was second in command (vice McLean, deceased) of Cox's force in Chilcoct expedition, 1865; murdered May 1865 in line of duty.

O'REILLY, PETER - April, 1859 appointed Justice of the Peace and revenue collector at Hope; 1861, appointed High Sheriff and County Court Judge; 1860-61, Magistrate at Hope; 1862-65, Magistrate and Gold Commissioner in Cariboo; 1866, same in Kootenay - Columbia; 1867-81, same in Hope - Yale - Lytton District except for occasional visits to the Kootenay in 1867 and 1869, and less than a year as Magistrate and Gold Commissioner in the Omineca, 1871; member Colonial Legislative Council; Superintendent of Indian Affairs prior to 1889; born in Ince, Lancashire, England, 1828, died Victoria, 1905.

PAGE, FRANCES - July, 1871, special constable in Omineca; 1873, recording clerk, Omineca's Victoria police January 1863.

PASCOE, HENRY - constable, Yale.

PERRIER, GEORGE - June, 1858, appointed Justice of the Peace to Hill's Bar; January, 1859 discharged.

PHILLIPS, W.G. - June, 1864, appointed clerk to Magistrate, Cariboo East; 1865 same.

PINCHBECK, WILLIAM - July, 1860, appointed chief constable, Alexandria District; resigned August 1862.
APPENDIX "A"

POPE, C.E. - 1862-70, road toll collector at Yale; August, 1870, appointed chief constable and clerk at Yale.

POTTS, D. - September, 1860, constable at Cayoosh.

PRICHARD, C.G. - November, 1860, appointed warden of jail at New Westminster, same until 1870; died, July, 1870; Captain in New Westminster Volunteer Rifle Corps; acted as County Court Judge in Brew's absence in 1864.

PYL, HENRY - 1861 and 1862, constable at Yale.

REDGRAVE, STEPHEN L. - August, 1864, appointed constable at Williams Creek; resigned April 1866, because of low pay; born in England, 1831; educated at Rugby; emigrated to Australia in 1852; mined at Ballarat; warden at the penal settlement; Inspector, Australian Mounted Police; 1859 went to South Africa and in same year to Canada, joined Toronto Police and promoted to rank of sergeant in 1860; resigned April, 1862 to go to Cariboo; January 1863, constable in the Victoria Police; and after his short term in B.C. Police, mined the cariboo; returned East in 1869 and back to B.C., 1873; 1876 appointed Mining Recorder and Provincial Constable, Cassiar under his friend, A.W. Vornell, Gold Commissioner; 1880 joined commissary department, CPR construction; 1884, made Stipendiary Magistrate at Golden; died at Golden, 1903; his youngest son, Stroud Lincoln Redgrave was Inspector of Police, Victoria, died May 1916 (Wade, Overlanders of '62, p. 158).

REED, THOMAS PEARSON - May, 1860, special constable at New Westminster; 1860 - 1861, chief constable Douglas; 1862 at Lillooet; born 1841 in Great Britain; a sapper in the Royal Engineers.

RODELLO, J. - 1870, constable at Comox.

RONALDSON, THOMAS - January, 1859, appointed constable at Langley; discharged for drunkenness and misconduct.

ROSCOE, HENRY - January, 1859, appointed constable at Yale.

ROSS, THOMAS - January, 1859, appointed constable at Yale; 1861-65, chief constable at Lytton; 1866 at Yale.

RUTHERFORD, ARCHIBALD - December, 1858, appointed constable at Yale.

SANDERS, EDWARD HOWARD - April, 1859, appointed Assistant Gold Commissioner at Yale and by September, 1859, also appointed Magistrate; transferred between Hope and Yale 1860 to 1866, when he was placed in charge of amalgamated district of Hope - Yale - Lytton; by 1861 was appointed County Court Judge; 1867 Magistrate of Lillooet District; same in 1870; an officer in the Austrian Army.
APPENDIX "A"

SEYMOUR, CHARLES I. - August, 1860, appointed constable in Alexandria District; May, 1862, promoted to chief constable; resigned January, 1863, because of mining interests; re-employed temporarily in 1863; November 1863, no longer in Government service; "a valuable man".

SHARWOOD, T.H. - June, 1863, appointed chief constable at Lillooet; same 1864 and 1865; 9 months leave of absence in 1866; 1867, chief constable in Lillooet; November, 1867, transferred to Yale as chief constable vice Hudson.

SMITH, - June, 1859, discharged as constable at Yale.

SMITH, ROBERT F. - September, 1858, appointed Justice of the Peace and Revenue Officer at Hope; succeeded by O'Reilly in April, 1859; a native of Scotland.

SPALDING, WARNER REEVE - March, 1859, appointed Stipendiary Magistrate at New Westminster; July, 1860, appointed Postmaster, New Westminster and in 1864, Postmaster General for B.C.; 1866, Magistrate and Assistant Gold Commissioner, Cariboo West; June, 1867, became Magistrate of Nanaimo District; 1871, same; captain in the Army, served in Crimean War; three years with Mounted Police of Australia.

STEPHENSOn, - 1861, constable at Lytton.

STEWART, G. - 1867 -1870, constable Nanaimo.

SULLIVAN, J. HOWE - September, 1864, appointed constable and jailer at Quesnelmouth; April, 1866, transferred to Richfield; served in Cariboo until 1870 as constable; 1870 appointed magistrate's clerk and recorder in Cariboo; 1872, appointed Warden of the jail and Superintendent of Police in Victoria; resigned at Victoria to become Gold Commissioner in the Cassiar; died 1875 (drowned on a trip to Ireland.)

TEAGUE, N. - April, 1859, appointed constable at Hope; 1860 chief constable at Hope.

THOMAS, JAMES - April, 1866 appointed constable Lytton; discharged September, 1866, "of excellent character", private in the Life Guard Regiment.

TRAVAILLOT, CAPT. O.J. - June, 1858, appointed revenue officer at Fort Dallas; July, 1859, dismissed; unsatisfactory service; native of France; died in Cariboo, February 1879.
APPENDIX "A"

TREVOR, DR. FRANK - June, 1864, appointed chief constable Quesnel; remained as chief constable until 1872 at Quesnel; 1872, appointed Clerk of the Bench at Nanaimo; died 1883 (age 69) in San Francisco; "a good and efficient officer", apparently a medical doctor (referred to in a newspaper article as F.R.C.S. and also as Dr. Frank Trevor).

VOIGT, JULIUS - 1865 constable at New Westminster; apprehended Taitach, the Indian murderer; not recommended by Brew for promotion.

VOWELL, ARTHUR W - 1864, jailer New Westminster; April, 1865, constable in Columbia; April, 1866, appointed chief constable Columbia; for remainder of colonial period served as chief constable in Columbia; 1872, appointed Gold Commissioner and Magistrate of Kootenay; 1873, transferred to Omineca as Magistrate vice Fitzgerald 1875, temporarily collector of customs, Burrard Inlet; 1875 M.L.A. for Kootenay; 1876-1883, Gold Commissioner, Cassiar; 1889, appointed Superintendent of Indian Affairs; native of Ireland.

WEBSTER, T. - 1865 - constable Kootenay; March 1866 resigned because of low salary.

WHANNELL, F.D. - October, 1858, appointed Justice of the Peace at Yale; resigned, September, 1859; of Victoria Yeomanry Cavalry in Australia and in an E. Indies regiment; unsatisfactory service.

WHITE, J.W. - 1863 - 1869 constable, clerk and postmaster in Columbia.

WHITE, RICHARD - July, 1862, appointed toll clerk at Douglas; 1863, deputy sheriff and constable at Douglas; 1865, transferred to New Westminster as jailer temporarily vice Dewdney; 1866, chief constable and toll collector at Douglas; 1868, at Yale and Victoria.

WILSON, GEORGE - 1860, constable at Lytton; town policeman in Barkerville 1867.

WOOD, George - July, 1865, appointed constable at Richfield, postmaster and clerk, Richfield in Coleman's leave of absence; resigned April 1866; "a British subject, "a respectable man."

WOOLSEY, JOHN V. - April, 1863, appointed constable and clerk in Cariboo same 1864; 1865 at Quesnel; formerly employed in Treasury Department "intelligent, of high character" charged with speculation (newspaper article) mining.

WRIGHT, EDWARD E. - October, 1858, appointed jailer, Yale; resigned August 1859.

YOUNG, W.C. - 1864, constable Osoyoos; 1864-65 constable and customs collector in Kootenay; resigned September 1865; turned to mining.
### APPENDIX B

**DISTRIBUTION OF CONSTABLES DURING THE COLONIAL PERIOD**

This table is compiled from the same sources used for Appendix A.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>1860</th>
<th>1865</th>
<th>1870</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Westminster</td>
<td>4</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>(excluding jail officials)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Douglas</td>
<td>3</td>
<td>4</td>
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</tr>
<tr>
<td>Hope</td>
<td>3</td>
<td>5</td>
<td>7</td>
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<td>Yale</td>
<td>3</td>
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<td>Lytton</td>
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<td>Rock Creek</td>
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<td>Yale</td>
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<td>Rock Creek</td>
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</tbody>
</table>
**APPENDIX C**

**MURDERS COMMITTED IN BRITISH COLUMBIA DURING THE YEARS 1858-1869**

(Compiled from newspapers and correspondence of the period)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MURDERER</th>
<th>VICTIM</th>
<th>LOCALITY</th>
<th>APPREHENDED</th>
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</thead>
<tbody>
<tr>
<td>1858</td>
<td>Mosqueam Indians</td>
<td>a white man</td>
<td>New Westminster District</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Mosqueam Indians</td>
<td>two men</td>
<td>New Westminster District</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>William King</td>
<td>William Eaton</td>
<td>Lower Fraser</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>William Foster</td>
<td>Bernard Price</td>
<td>Yale</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Harrison River Indians</td>
<td>a German (or Dutch) (couple)</td>
<td>Harrison River District</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>Indians</td>
<td>two Frenchmen</td>
<td>Lower Fraser</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Mathias Neil</td>
<td>William Hartwell</td>
<td>The Forks</td>
<td>yes</td>
</tr>
<tr>
<td>1859</td>
<td>Indian</td>
<td>Francois Eyraud</td>
<td>Douglas District</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Fisher</td>
<td>?</td>
<td>Yale?</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Sgt. Leonard</td>
<td>John Shaw</td>
<td>Langley District?</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Indians</td>
<td>a white man</td>
<td>New Westminster District</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Mosqueam Indian</td>
<td>two Italians</td>
<td>Lower Fraser</td>
<td>yes</td>
</tr>
<tr>
<td>1860</td>
<td>Indian</td>
<td>John Reilley</td>
<td>Hope?</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>W. Rogin</td>
<td>James Donald</td>
<td>Parsonville?</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Matilpak Indian</td>
<td>a Seashell Indian</td>
<td>Northwest Coast</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>two Indians</td>
<td>two chinese miners</td>
<td>Cayoosh District</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Indian</td>
<td>a Chinaman</td>
<td>Boston Bar</td>
<td>yes</td>
</tr>
<tr>
<td>YEAR</td>
<td>MURDERER</td>
<td>VICTIM</td>
<td>LOCALITY</td>
<td>APPREHENDE?</td>
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<td>-------------</td>
</tr>
<tr>
<td>1861</td>
<td>mining partner of Harrison White</td>
<td>Harrison White</td>
<td>Hope</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Indian</td>
<td>?</td>
<td>Rock Creek vicinity</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Indians</td>
<td>Morris Price</td>
<td>Cayoosh</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Indian</td>
<td>Chinaman</td>
<td>?</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>white man</td>
<td>Dr. Fifer</td>
<td>Hope</td>
<td>yes</td>
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<td>1862</td>
<td>?</td>
<td>three men (coroners) (verdict &quot;murdered&quot;)</td>
<td>bodies in Summit Lake</td>
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<tr>
<td></td>
<td>Indians</td>
<td>Indian Chief</td>
<td>Northwest Coast</td>
<td>no</td>
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<tr>
<td></td>
<td>Louis Cordis</td>
<td>?</td>
<td>Lillooet District</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>Kinnakangreh Indians</td>
<td>John Henley and George.....</td>
<td>Northwest Coast</td>
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</tr>
<tr>
<td></td>
<td>Chinaman</td>
<td>Chinaman</td>
<td>Cottonwood Creek</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Darling</td>
<td>Charles Rouchier, Harris Lewin and D. Sokoloski</td>
<td>Forks of Quesnelle</td>
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<tr>
<td></td>
<td>Indians</td>
<td>several</td>
<td>near F. Simpson</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>mining partner of Capt. Robinson</td>
<td>Capt. Robinson</td>
<td>Grouse Creek</td>
<td>?</td>
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<tr>
<td></td>
<td>Gilchrist</td>
<td>a miner</td>
<td>Williams Lake</td>
<td>yes</td>
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<tr>
<td>YEAR</td>
<td>MURDERER</td>
<td>VICTIM</td>
<td>LOCALITY</td>
<td>APPIE-MENDENT</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>--------</td>
<td>----------</td>
<td>--------------</td>
</tr>
<tr>
<td>1863</td>
<td>Indian</td>
<td>Indian girl</td>
<td>Lytton District</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Indians (Probably)</td>
<td>six bodies (Coroner's verdict &quot;murdered&quot;)</td>
<td>Williams Lake District</td>
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<tr>
<td></td>
<td>Indians</td>
<td>two men</td>
<td>Chimney Creek</td>
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</tr>
<tr>
<td></td>
<td>W. Armitage and Fred Glennon</td>
<td>Thomas Clegg</td>
<td>Williams Lake</td>
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</tr>
<tr>
<td></td>
<td>Indians</td>
<td>two Italians</td>
<td>Williams Lake</td>
<td>yes</td>
</tr>
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<td></td>
<td>Indians</td>
<td>Robert Macleod</td>
<td>Bella Coola</td>
<td>?</td>
</tr>
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<td></td>
<td>Indians</td>
<td>two men</td>
<td>on Board Thorndike</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Indians</td>
<td>two white men</td>
<td>Bella Coola</td>
<td>?</td>
</tr>
<tr>
<td></td>
<td>Ahoset Indians</td>
<td>Some members of crew Clay-o-quot sound of sloop Kingfisher</td>
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</table>

<p>| 1864 | Chinaman | Chinaman | Forks of Quesnel | yes |
|      | Indian | John Holmes | Bentinck Arm | yes |
|      | Chilcotin Indians | nine white men | Bentinck Arm | yes |
|      | person(s) unknown | a Chinaman | New Westminster District | ? |
|      | William Berrinton | Thomas Walker | Wild Horse Creek | yes |
|      | Thomas Jackson, John Love and Samuel Howard | Albert Hope (Indian constable) | Metlakahtla | ? |
|      | ? | Everina Rice | Richfield | ? |</p>
<table>
<thead>
<tr>
<th>YEAR</th>
<th>MURDERER</th>
<th>VICTIM</th>
<th>LOCALITY</th>
<th>APPREHENDED</th>
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<tr>
<td>1865</td>
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<td>his stepmother</td>
<td>Chilliwack</td>
<td>yes e</td>
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<td>Indians ?</td>
<td>Indians ?</td>
<td>Chilliwack</td>
<td>yes</td>
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<tr>
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<td>Antoine Lucanage</td>
<td>William Ogilvy</td>
<td>North Bentinck Arm</td>
<td>yes</td>
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<td></td>
<td>two Chinamen</td>
<td>two Chinamen</td>
<td>Lillooet</td>
<td>yes</td>
</tr>
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<td></td>
<td>Mickinson (Indian?)</td>
<td>Indian</td>
<td>Kootenay</td>
<td>yes</td>
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<td></td>
<td>Indian</td>
<td>John Morgan</td>
<td>Soda Creek</td>
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<td>1866</td>
<td>James Barry</td>
<td>Chas Morgan Blessing</td>
<td>Beaver Pass (Cariboo)</td>
<td>yes</td>
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<td>1867</td>
<td>Indians</td>
<td>Cabot</td>
<td>Hat Creek Trail</td>
<td>yes</td>
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<td></td>
<td>Charlie Brown</td>
<td>John Lawson and an Indian</td>
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<td>1868</td>
<td>Indians</td>
<td>nine Indians</td>
<td>Northwest coast</td>
<td>?</td>
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<td></td>
<td>Robert Devlin</td>
<td>Michael Walsh</td>
<td>Kootenay</td>
<td>yes e</td>
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<td>1869</td>
<td>Jesse Pearce</td>
<td>two of the crew of John Bright</td>
<td>Nootka Sound</td>
<td>yes</td>
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<tr>
<td></td>
<td>Indian</td>
<td>?</td>
<td>Osoyoos District</td>
<td>yes e</td>
</tr>
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<td>Indian</td>
<td>Kootenay</td>
<td>yes</td>
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<tr>
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<td>Robert Clark</td>
<td>?</td>
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