AMOR DECOSMOS, A BRITISH COLUMBIA REFORMER

by

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A Thesis submitted in partial fulfilment for the
Requirements for the Degree of
MASTER OF ARTS
In the Department
of
HISTORY

The University of British Columbia
April, 1931.
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Bibliography.
The history of British Columbia has been written so often on the theory that all that is good in the province is a legacy from the men who came out in the interests of the Hudson's Bay Company that this fallacy has become the belief of most people. Strangely enough little consideration has been given to the great field of the influence of the Eastern British North American provinces upon the West. British Columbians have ignored the fact that the great story of all British provinces has been the fight for responsible government, and that British Columbia and Vancouver Island do not differ from the remainder of Canada in this respect. Since they have ignored this fact it is only natural that they should also have ignored the men who fought for these principles.

Where would these men come from who fought for political freedom in the most western of the provinces? It is not to be expected that the Great Monopoly would provide them, interested as it was, only in profits; nor the settlers who came from England, rarely unattached but rather servants of the Hudson's Bay Company. Nor would they be expected to come from California, among the mixed group who were attracted by gold, and who stayed in many cases to trade. Instead it was from the Eastern provinces that they came, from the Canadas and the Maritimes; the provinces where responsible government had been
contended for during half a century. The first of these men to fight for British privileges in British Columbia came from Nova Scotia, the first province to win responsible government, and to win it by constitutional means. It is possible then to trace the constitutional fight of British Columbia to the influence of Nova Scotia and Joseph Howe on this man, Amor De Cosmos.

Nova Scotia from 1830 lived in a turmoil of political events, all centring around that great political figure, Joseph Howe. As a newspaper man, he was interested in politics from an early age, and in 1835 entered into them actively. His first public appearance, however, was connected with the famous libel case, where he upheld the freedom of the press as he was later to uphold the freedom of the people. From 1835 until 1848 Howe was never idle in the fight for responsible government and, through his personality and magnetism, all Nova Scotia became vitally interested in the question. A great deal of this interest was due, of course, to the able opponents of Howe who upheld the old order. Such men as Johnston and such governors as Falkland could not fail to attract a people naturally politically-minded.

Imagine, therefore, this atmosphere of interest in political matters—with stirring events and great speeches to win the attention of all Nova Scotia. A child born in a family which took any interest at all in politics, and brought up near the scene of Howe's labours would undoubtedly hear much of this great figure and his able opponents, and the principles
for which he was fighting.

Such was the background of William Alexander Smith, or as he was later known, Amor DeCosmos. His family was of old Puritan stock who had fought with Cromwell in the days of the Civil War, had left Derbyshire for the American Colonies, and after the War of Independence had settled in Nova Scotia. His origins are almost a replica of Howe's, his parents probably held the same beliefs as Howe and therefore he would be brought up in an atmosphere favourable to responsible government.

Born in 1825, he attended Windsor Academy, a private school, until 1840, when he entered the employ of a firm of wholesale merchants, Charles Whitman Company, in Halifax. Consequently he was in Halifax, at the centre of the political struggle in the most crucial years of Howe's political career. Moreover he was a member of the Dalhousie Debating Club which actively discussed the political questions of the day.

Like Howe he left school early, but he attended the night school of John S. Thompson while working in Halifax. He, like Howe, must have read much in his spare time, since in his later writing he showed a good knowledge of literature. This fact was remarked on by a man who knew him later. "He was wide-minded, yet methodically laborious, and a master of


B. C. Archives - Library of Legislative Assembly, No. 3, 1910. Some jottings supposedly written by DeCosmos's brother.
details; a great reader, chiefly but not exclusively, in the lines of History and Politics. He made no parade in conversation of what he knew. Only by some incidental allusion would you become aware of his familiarity with Shakespeare and Scott."

It is difficult of course to trace the direct influence of one man on another when there is no evidence of any direct contact between them and when their work is carried on in places many miles distant from each other. Nevertheless it is an interesting speculation and it is particularly so in the case of Howe's influence on DeCosmos after he left Nova Scotia. It is easy to show by a comparison of their two careers many points of similarity—so many that it seems obvious that the older man influenced the younger. It is difficult, however, to prove by direct references of DeCosmos that he consciously realized the influence of Howe though in many of his editorials one recognizes marked resemblances between the ideas and language of both.

It is far easier to find references that show the influence of Nova Scotia. On occasion, he speaks of the lack of an Executive Council "similar to those of Nova Scotia, Canada, etc." Nova Scotia is put first not Canada. Again he quotes an article from the Globe, St. John, New Brunswick, of July, 1859, which remarks on the Colonist's fight against Douglas and which compares the situation there to that in the eastern

1. Sproat, Gilbert M. - Amor DeCosmos, A Singular Figure in British Columbia Politics. Victoria Daily Times, Jan. 19, 1906.

province before responsible government. Here again there seems to be a close link between the colony on the Pacific and those on the Atlantic.

The most direct reference to Howe is in the matter of a governor for the island. Grant says that he attempted to get the governorship of the Pacific colony on one of his visits to England. There evidently was some truth in the story since the rumour reached Vancouver Island. DeCosmos mentions it in the Colonist, saying "he would be the right man in the right place." To the former Nova Scotian, no man could be a better governor of the young colony which was struggling towards responsible government than the man who had done most to win it in his own province.

Both the papers in Victoria, in writing about DeCosmos after his death mentioned this influence of Howe. The Colonist declared "the history of this rugged and courageous pioneer shows that he brought from his Nova Scotia birthplace a great deal of the same kind of fire that burned in the breast of Joseph Howe." The Times definitely said that during his early life in Nova Scotia he chose Joseph Howe for his political mentor.

4. Daily Colonist - July 6, 1897.
5. Daily Times - July 5, 1897.
DeCosmos remained in Halifax until 1851, but like many another ambitious young man of the period he probably decided that there would be more scope for his talents in a new country where there would be the opportunity to build up political organization himself, rather than to be a mere spectator of such work. Just at this time the great gold rush had reached its peak in California and there would be an added inducement for adventure—the chance of making a fortune. Therefore in 1851 he started for California. He chose the more difficult route across land and starting from New York he went by way of the Missouri River to St. Louis where he joined a caravan. This caravan was attacked by Indians, part of the company being killed, and their provisions lost. He finally reached Salt Lake City where he spent the winter.

The story is told, although there seems little foundation for it, that he joined the Mormons there and later had trouble with Brigham Young. He was supposed to have decided to leave the city—an almost impossible feat in those days. He, however, is said to be one of the few men that ever did. Whether the story is true or not, he left Salt Lake City in 1853 and crossed the Sierra Nevada Mountains. Leaving his party and pushing on alone, he reached Placerville, Eldorado County, California, in June, 1853.

Having reached California, he does not seem to have attempted any gold mining at first. He had brought with him a camera and daguerrotype stock and it seems that it must have been his intention to go into this business from the beginning.
At any rate, he was wise in his choice and probably found it far more profitable an undertaking than mining. He travelled from one end of California to another, taking pictures of miners and their claims, and charging twenty dollars a picture. He finally settled in Orville, Bute County, and took up mining, trading, and speculation. He was also said to be prominent in the Councils of the Vigilantes.

It was while he was in California that he had his name changed by an act of the California legislature. This action on his part has been the cause of much controversy and every reason has been given for the change of name. Some suggest that the trouble he supposedly had with the Mormons made the change necessary. Others say that he was incriminated in something he had to do with the Vigilantes Committees and felt that it was safer to change his name. Both these reasons seem to rest on a fallacy—that the name Smith would be easy to detect. It seems more sensible for a man who feared the consequence of some past misdeed to remain under the common name of William Alexander Smith. Why would any such man change his name to Amor DeCosmos? A name which by its very strangeness would attract attention to its owner?

The more logical explanation and the one which seems

1. Bancroft, Herbert H. - Popular Tribunals. Vols. 36, 37. Bancroft's Works. San Francisco, 1887. These books deal in detail with the Councils but there is no mention of DeCosmos.

2. Boggs, Beaumont - Op. Cit. In this work he gives the first reason. In conversation he suggested the other reason.
the most authentic, is that he found it difficult to get his mail and decided to change his name to save trouble. The curious thing about the matter is not why he did it but the name he chose. Nothing could be a finer commentary on the man's whole character than this. Here was a man of exceptionally ability, as he probably felt, blessed with the most ordinary name possible. He felt that he was destined to accomplish much and that he should have a name which would help to impress his character on peoples' minds. What could be a better choice than Amor De-Cosmos? It was original, no other man would conceivably have the same name. Therefore, he would stand out from the rest of his fellowmen as individual. At the same time it was appropriate--"Lover of the World"--a fitting title for the man who was to struggle in the interests of the political freedom of his countrymen.

The mechanical means by which his name was changed were very simple. The reasons were not given but the delegation to which the Senate referred the bill regarding the change of name declared "that they have the subject under consideration and having good and sufficient reasons adduced to satisfy them of the justness of the proposed change of name," recommended


3. California Statutes -- 1854. P. 176. Quoted in a letter from the Sacramento Library. Mr. Ferguson, State Librarian to Mr. Boggs. Provincial Archives, B. C.
that the bill be passed. This was done, February 16, 1854.

In 1858, he left California for the north on the news of the gold rush to the Fraser River. He reached Victoria, but instead of leaving for the mainland, he decided that he would settle there. He at once returned to the south, sold out his interests there and again reached Victoria in the latter part of June.

DeCosmos had been on American soil for seven years and he had been considerably influenced by American ideas—not to embrace them but rather to bind him even more closely to British ideas and institutions. His feelings about some of the American beliefs may be shown in an editorial on the Fugitive Slave Case. A negro boy escaped from his master and reached Vancouver Island where he claimed his freedom since he was on British soil. The Americans protested. DeCosmos said, "possibly the island and all would have been attacked with a writ of 'catch the negro worshippers,' and towed over to Puget Sound as a fugitive from 'manifest destiny;' and ere this it is presumed we 'subjects' would have been metamorphosed into 'sovereigns', and who knows whether we would not, as sovereigns, have aspired to the possession of subjects, even if they were—to use the vernacular of our contemporary—'dandy negroes?'

But luckily enough we were preserved from the modern interpretation of the republican doctrine that 'all men are born free and equal,' the all men somewhat paradoxically meaning white men only."

As has been said, these years of absence had not weaned him from his loyalty to or his understanding and admiration of British institutions. As soon as he settled in Victoria, he acquainted himself with the political and economic situation, and wasted no time in beginning his career of reform.

So far one can discover no information as to the influences that caused him to take up newspaper work, or as to whether he had had previous experience in this type of work. Nevertheless he immediately commenced a paper of which he was both proprietor and editor, and on December 11, 1858, the first number of the British Colonist appeared—the medium through which he was to begin his attack on privilege as shown in the Hudson's Bay Company monopoly, and his fight for British institutions.

This was not the first paper published on Vancouver Island. As early as June, 1858, the Victoria Gazette had been started by California publishers. As it was published within the fort one may be sure that there was little of a political nature in it. This paper lasted until the middle of 1859. There were other papers which had a sporadic existence, the Vancouver Island Gazette and a French paper, La Courier de la Nouvelle Caledonie, but neither of them lasted much more than a year. It can be said, therefore, that with the British Colonist, DeCosmos had established the first independent and continuous journal on the northern Pacific coast. As had been

shown so many times before, he was now to show again, that with the establishment of an enlightened press begins also free dis­
cussion and an interest in free institutions. In a word jour­
nalism in British North America has always preceded and created public opinion.

It is interesting to note that within a year of the founding of the Colonist, the first newspaper in the Red River colony was started, to be published every two weeks. Like the Colonist, it was begun by men from the Eastern Provinces—two journalists, Buckingham and Caldwell from Ontario. It was called the Nor'Wester and, like the Colonist, it "was destined to play an important part in opposing the Hudson's Bay Company." In two young colonies there began at about the same time the same struggle against the Hudson's Bay Company, in each case sponsored by a newspaper begun through the work of men from the older colonies to the east. In British Columbia at any rate, the editor of its newspaper was not unaware of the similarity of the problems and of the road to a solution. In the British Colonist, DeCosmos mentions an article of James Ross in the Halton Journal, Toronto, July 16, 1859, in which he remarks on the lack of a newspaper in the Red River colony because of Hud­
sen's Bay Company opposition. Though this article was written before the founding of the Nor'Wester, the fact that DeCosmos remarks on it shows that he recognized the importance of an out-


let for public opinion in both colonies.
The Creation of Public Opinion.

In order to appreciate the nature and scope of DeCosmos' work in British Columbia it is necessary to understand the social, economic, and political history of Vancouver Island and British Columbia at this time.

Vancouver Island had become a colony with the Crown grant to the Hudson's Bay Company in 1849. The grant was made to the Company on the understanding that they encourage settlement. The Crown had the right to revoke the grant in five years if there were no settlement. It could recover the island at the time of the expiration of the Company's license of exclusive trade in 1859, if it cared to do so, on payment to the Company of the money actually expended by it for the upkeep of the colony. In order to encourage settlement the Company was to sell land at a fair price and to use the money thus received (after deducting ten per cent for its services) for the civil and military expenses (except during war-time) of the government, and for public improvements. It was also to set aside a reserve of land for civil establishments and a naval station.

On the face of things, if the Company followed the terms of the grant there was a fair prospect for a flourishing colony in a few years. As might be expected, however, the Company did little or nothing to encourage settlement. In the

first place the price of land was set at a pound an acre. For every one hundred acres that a settler bought he had to bring out five men or three settlers. These two stipulations meant that only the richest was able to come to the colony as an independent settler. To make independent settlement even more difficult, the Company carefully set aside all land within ten miles of Victoria for its own use. Again the only place where settlers could buy their supplies was at the Company store and according to Governor Blanchard the monopoly prices were three times those of the outside world.

On the other hand when the settler came to sell his produce he found that he had to accept what the Company would pay. Any attempt at independent trading was quickly smothered by the strength of the Monopoly and their ability to accept losses to gain their end.

With all these disabilities against settlement and trade it was not surprising that few immigrated to Vancouver Island. As a consequence, the colony was lacking in the type of citizen which makes up the backbone of any frontier settle-

2. Ibid - P. 91.
ment—the independent farmer and secondly, the middle-class merchant or trader. What settlers there were in any number were brought out by the Company to work on its farms and they were naturally much influenced by it.

Consequently there had grown up on the island a society overshadowed by a great Monopoly which was interested only in fur trade and not at all in settlement, except as a corollary of the fur trade. The men who ruled the colony from council or from the bench were in some way connected with the Company. Instead of an active body of citizens which in a new country should take an interest and have a voice in the lawmaking of the colony, there was already an oligarchy, based not on aristocratic traditions but on Company influence and position.

So obvious was this lack of interest in lawmaking that there was no agitation for representative institutions, as had been the case in the other provinces of British North America. As late as 1856, when responsible government was won in the east, on Vancouver Island the people were tacitly accepting the rule of a governor, aided and advised by a council, when he chose to call it. This council was composed entirely of Hudson's Bay Company men, except for Cooper and he left the colony in 1856. It may be presumed that this situation would have continued indefinitely if the Colonial Secretary had not directly instructed Governor Douglas to call an assembly, since he "doubted whether the Crown legally could convey authority to make laws in a settlement founded by Englishmen, even for a special and temporary purpose, to any legislature not elected,
wholly or in part by the settlers themselves."

When Governor Douglas attempted to carry out his instructions, it was discovered that there were barely enough settlers to constitute an assembly and still more obvious was the dearth of voters. Nanaimo, for instance, had one vote and one member. In the assembly which was finally formed there were only two members who could be regarded as independent of the Hudson's Bay Company.

Such an Assembly could merely express the will of the Company, as embodied in the Governor. At the same time the Council was directly influenced by the Governor since he continued to preside over it when it became a second chamber. It is obvious, therefore, that neither Assembly or Council represented the people.

When every branch of life was monopolized by one Company and in many instances one family—so much so that the name Family-Company-Compact was given—an atmosphere was created which discouraged if not made impossible any questioning of the actions of the Company of the family. In fact their conduct came to be considered a criterion to be followed by future governments and rulers. This does not mean that there had been no attempts at criticism, but such criticism had been spasmodic and feeble, lacking as it did any organ of expression such as a free press would have provided. The hand of an artist at destructive and constructive criticism, if such could be found, was needed to attempt to break down the barriers that had been raised by


The details were left purposely vague since with the expiration of the exclusive license of trade, the Crown received back the Island.
a monopoly which was retarding the growth of the colony. However, the poison had so permeated the society of the island that not even the greatest of reformers could have completely eradicated it. Even to-day there is still, in certain circles in Victoria, a reverence for the Company and the family—a reverence which frowns upon any attempt at historical criticism or efforts to understand the basis for opposition to monopoly.

But the tranquil life of the island was definitely shattered when the gold rush to the Fraser commenced in 1858. Victoria, from being a small fur-trading post with a few outlying farms, sprang into prominence as the stepping-off place for the gold fields. Overnight the place was transformed into a teeming city, with people coming and going perpetually. As a consequence there was need for supplies of every kind to satisfy the miner. The monopoly of the Company was finally broken in the field of general trade, and places of business appeared miraculously to meet the growing needs of the country. The people who poured in came principally from the less attractive gold fields of California and were of all races and nationalities. The greater part of the merchants were, however, Americans, and these were to provide the more permanent part of the population. These men were not as interested in representative government as in a strong government. So long as they were able to carry on and make money in comparative security (far greater than that in California) they were content.

Along with these Americans came, however, a number of Canadians and Maritimers—men who had been used to a voice in
the government at home, who had in many cases helped to win this voice, or had at least been brought up in communities struggling for responsible government. These men were the men who were to provide the spirit of freedom and progress in Vancouver Island and later British Columbia. These were the pioneers of British North America, who, like the pioneers of the United States, were pushing their way across the continent, carrying with them, not the republican ideals, but the British tradition of responsible government. Among these men came Amor DeCosmos—a pioneer from Nova Scotia, the first colony to win responsible government and at the same time the colony which was the closest in tradition to New England. A man brought up under the influences of such institutions and traditions could not tolerate the monopoly of the Company, the oligarchical rule of the Company's leading families—an even more humiliating situation than rule by an aristocratic governor of English nobility—and the total lack of any true representative institutions.

The first thing that DeCosmos did was to begin an attack on the most important figure in the colony, Douglas, the Governor. The time was particularly ripe for attack. Douglas wrote a dispatch, attempting to keep British Columbia a monopoly for the Company, and, as a result, he had done his best to ruin the colony's chances of becoming a thriving "nation". This dispatch was nullified by the Colonial Secretary. Never-

1. May 8, 1858.
theless he issued a proclamation establishing a tariff for a colony which had no possibility of becoming self-sufficient, and making Victoria the port of entry for British Columbia, instead of some place on the mainland. Since Douglas was virtually the sole ruler of the colony and was, alone responsible for all acts done there, DeCosmos felt that he need not hesitate to attack him directly. "Unfortunately for these colonies, Governor Douglas was not equal to the occasion. He wanted to serve his country with honour; and at the same time preserve the grasping interests of the Hudson's Bay Company inviolate. In trying to serve two masters he was unsuccessful as a statesman. His administration was never marked by those broad and comprehensive views of government which were necessary to the times and to the formation of a great colony. It appeared sordid, was exclusive and anti-British, and belonged to a past age."

Although DeCosmos dedicated his first editorial to


2. Minutes - House of Assembly, Vancouver Island, 1856-1858. Memoir III. Conference of Douglas with Assembly and Council, June 18, 1858. P. 59. Douglas, himself, says "that he had been actuated by motives, in the first place, to do every justice to the H.B.Co., and, secondly, to promote by every legitimate means the welfare and prosperity of the colony." Consequently DeCosmos is giving Douglas the benefit of the doubt by putting his concern for his country first.

conditions in British Columbia, his real interest lay in Vancouver Island, and he had no difficulty in discovering much to criticize there. He wasted no time in unessentials but came immediately to the crux of the situation, the unhealthy influence of the Company in every branch of government, executive, legislative, and judicial; as illustrated in Douglas's late connection with the Company; an Assembly with only two independent members; and a judge who was taken from the management of a coal company (connected with the Hudson's Bay Company) to sit on the bench, with no legal experience, and his sole claim to fame being his relationship to the governor. DeCosmos described the situation in words which must have expressed what the independent and thinking part of the population felt. "Loyalty, honesty and competency—the triad strength of British officials,—which could have been had for the asking—are branded with the mark of illegitimacy, and offices of the colony filled with toadyism, consanguinity, and incompetency, compounded with white-washed Englishmen, and renegade Yankees." 1

Though DeCosmos saw a temporary remedy for this situation in the removal of the then Governor, and in an elective legislative council (the reforms that the people asked); he argued that a far better solution than either of these and one which could be effective even though other things remained as they were, would be an executive council, sitting in the Assembly and acting on its advice. 2

1. British Colonist - Dec. 18, 1858.
2. Ibid.
In an editorial, DeCosmos described the situation and the remedy. "In these colonies the great defect in our own constitution lies in the want of an executive council, similar to those of Nova Scotia, Canada, etc. Without it we can never make our rulers responsible to the people for their policy and measures—nor can we ever enjoy the privileges of our birthright as British subjects."  

DeCosmos found fault with the law courts, not only on the ground that the judge was incompetent and ignorant but also that he was dependent for his living, not on a salary, but on the fees of the court. He declared that this had the effect of lowering the court to the sphere of business enterprises; "but we decidedly object to this, for anyone can see that the position of a partner in a mercantile firm and that of a judge are not at all synonymous, for in the case of the merchant the more interest he has the better, while in that of the judge, it is indispensable that he should be entirely disinterested."  

A great fault of Douglas's administration, as DeCosmos saw it, was his use of patronage. Since there were no traces of responsible government, the whole blame for the misuse of patronage rested on the Governor's shoulders. "He alone is responsible for all the corruption, peculation, wrongs, outrages, depopulation, obstructions, mistakes—and losses, which have been entailed on these colonies through corrupt and unfit

2. Ibid - Feb. 19, 1859.
The worst example of this was shown in the appointment to the elective Assembly of a member for Nanaimo. In 1856 when the first Assembly was summoned, Governor Douglas and John Work appointed Kennedy as member for Nanaimo. They informed the other members that the grant of the Hudson's Bay Company authorized the appointment. "Here Governor Douglas has done what the Supreme Executive and Legislative authority of the nation dare not do and the Assembly tacitly consent to it." A short time after wards the Assembly could not do business due to a lack of a quorum. DeCosmos suggested that Douglas might appoint new members. "The violation of the constitution is nothing. The members would certainly have no objections to a few more appointees: the present one is swallowed so easily."

In May, 1859, owing to the death of Kennedy, a new election was held. Barnston of Victoria, a lawyer, "born, bred, reared, educated and lives in the atmosphere of the Company" was nominated by Captain Stuart, the only elector. His qualification was through holding land belonging to the Hudson's Bay Company, by holding twenty-five acres of his own land at Nanaimo.

2. Ibid - Feb. 12, 1859. Formerly Chief Factor.
3. Ibid - Dec. 27, 1858.
5. Ibid - Mar. 19, 1859.
6. Ibid - June 1, 1859. Letter from an elector at Nanaimo to the Editor of the British Colonist, describing the election there.
mo, and by owning property at Victoria. The seconder was Malcolm, an assistant in the Hudson's Bay Company store at Nanaimo, and who was a non-elector. Mr. Barnston never took his seat, since he knew the election was unconstitutional.

At this the Assembly, possibly spurred on by DeCosmos's criticism, asked for a new writ for an election in Nanaimo. The result was the election of the captain of a Hudson's Bay Company boat, while he was absent, by one voter. DeCosmos said he was elected "not to represent the people of Nanaimo, but to misrepresent them, to render the country superlatively ridiculous. The historian will write the farce down as the constituency of one, the majority of one, the representative of one, and that the election was won by Governor Douglas's able administration."

Due to the situation in Nanaimo, and the difficulty of getting a quorum in the Assembly, DeCosmos advocated a new franchise bill, giving a wider and more equal representation and at the same time lowering the qualifications. A new bill was suggested but it would have afforded no remedy for Nanaimo,

3. British Colonist — July 1, 1859. Swanson, the member for Nanaimo was away on his boat, and never returned to sit in the House.

Gosnell, R. E. —British Columbia, Year Book. Victoria, B.C., 1897. P. 112.

In the list of members for the first assembly for Vancouver Island, 1856-1859, there is no mention of a member for Nanaimo.
and it gave an overwhelming number of seats to Vancouver Island, outside of Victoria, although the latter had over three-quarters of the voters. DeCosmos declared that the proposed reform bill should not be called a reform bill but "an act to restrict the representation to the Family-Company-Compact, and contract the elective franchise so as to enable them to monopolize the government for three years longer for their individual aggrandizement at the public expense."¹

Some of his sarcasm must have offended Douglas, because the Governor, with no warning, declared that an obsolete statute of England, restricting the press, applied also to the colony. In reality, the colonies were only bound by those acts which were directly applicable to them or definitely declared to apply to them. This law, which had been applied in a reactionary period of English history, required that the editor of a paper must deposit a sum of money (in this case eight hundred pounds) before he could publish, presumably as a guarantee of good behaviour. It was impossible for DeCosmos to raise the amount, but fortunately for him he had already won a strong support from the people of Victoria. They called a public meeting at which they subscribed the required bonds. They also protested strongly against the arbitrary methods of the Governor. The independent members of the Assembly also voiced their disapproval of his action. Since they were a minority of two,

¹ British Colonist - Feb. 26, 1859.
² Ibid - April 9, 1859.
their action had little effect. The vote on this motion showed clearly that the Assembly did not represent the people; for at a public meeting the people had unanimously voiced their disapproval of the Governor's action, while in the Assembly only two members disapproved.

To make Douglas's position even more ludicrous, just about this time a new law was suggested in England to remove all restrictions to a free press, and DeCosmos referred to this fact in the following sarcastic words. "if these long obsolete gag statutes of England should be abolished, as by this time they probably have been, we wonder if His Excellency, Governor Douglas, by whose arbitrary edicts they were revived and enforced in this country, will deem a special act of Parliament necessary to render them null in this colony." 2

DeCosmos showed himself a true son of Nova Scotia and follower of Joseph Howe, not only in upholding the freedom of the press but also in his plea for tolerance for all religions. The Legislature, with Douglas as the moving force, was attempting to prevent Jews from becoming naturalized. This feeling against the Jews was crystallized into an act which DeCosmos criticized as being against the British practice. "Let him remember how unfortunate it is for this, a young colony of Eng-

2. Ibid - May 7, 1859.
4. British Colonist - May 20, 1859. He mentions the admission of Baron Rothschild to the British House of Commons.
land, destined to be the emporium of nations, to have the stain of religious bigotry and persecution fastened upon it." This disability against Jews was soon removed by another act.

DeCosmos feared not only bigotry and persecution but also an evil almost as great—an established church in a young colony—the system which had caused so much trouble in Upper Canada. He declared that "voluntary aid is the source to which religion ought to look for support, and government assistance should be frowned down by everyone who wishes the country to escape mixing religion with our politics." He was particularly resentful of the policy of forcing a state religion on the Indians, and did not hesitate to express this opinion. "We are willing to accept parliamentary appointment, but we are distinctly opposed to the appointment of a gubernatorial God and gubernatorial religion for the Indians. If the government intends to aid the Indians, let the aid be given without holding a blanket in one hand and the thirty-nine articles in the other. Let

3. British Colonist - June 22, 1869. The reason for this editorial was a remark that was made in the "Canadian Christian Guardian" that the Governor promised assistance to the church.

Cf. Begg, Alexander - History of British Columbia. Toronto, William Briggs, 1894. Pp. 330-332. He quotes from a letter to the Colonist to show that the new bishop was included among the appointees of the government and that a clergy reserve was already set aside in Victoria.
religion work its way among the Indians of the voluntary principle, as it does among us. Let missionary enterprises have the sanction of the church not the state."

DeCosmos by no means laid all the blame for the situation in the colonies on Douglas alone, but found fault with the people for their lack of enthusiasm, and with Bulwer Lytton, the Colonial Secretary, for his policy. He did not hesitate to warn the home government that the colony would not tolerate the situation for ever. He also criticized the Assembly for its incompetence, "either to do the public business with honour to themselves or credit to the country... Truly the present Legislature is but one man. The prerogative is as potent to-day as in the days of Stafford and 'Thorough'. And to call the lawmaking department of this colony a Legislature, is as much a misnomer as to call night, day." He summed up the whole situation in these words. "The greatest old foggy conservative that ever nursed antiquated usages in Great Britain or the colonies, on coming here is forced to become a radical, simply in consequence of the measures of the administration being so much at variance with the interests of the country, and averse to the ordinary principles of government."

It might be thought that much of DeCosmos's criticism of Douglas was merely petty, and without grounds. Two examples

1. British Colonist - Sept. 14, 1860. The minister in charge of an Indian school had been appointed by the bishop as missionary to the Indians and this appointment was sanctioned by the Governor.

2. Ibid - Sept. 2, 1859.

3. Ibid - July 1, 1859
can be quoted, however, to show how little the Governor really knew of the English principles of representative government. The Assembly had refused the Governor's request that the government offices be removed to buildings across the bay, and a bridge built to connect them with the town. Nevertheless the Governor went directly against their refusal and, on his own initiative, carried out his proposal. The Assembly censured him for this, declaring the action was unconstitutional and a breach of privilege. DeCosmos said, "his duty as the Governor of this colony is to execute the laws, not to make them—nor take upon himself the prerogatives of a despot, set at defiance all constitutional principles, and involve indirectly the colony, and directly the home government, in unnecessary debts to please his son-in-law and raise the price of his own private property."

The second instance was in the matter of the franchise bill. The Council and the Assembly could not agree on the terms and it was suggested that a conference of the two chambers be held. The Governor declared his intention to be present, but this was unconstitutional since the three branches of the Legis-


2. British Colonist - May 16, 1859. DeCosmos declared that Douglas's asserted generosity that the Company was paying for the buildings was a blind, since the money would be paid back to them when the claims were settled. DeCosmos said that if improvements were necessary, he should have dissolved the Assembly and called a new one to discuss the matter.
lature could not meet together to make laws, and the only voice the Governor had in lawmaking was one of assent or rejection. Moreover he had been violating the constitution incessantly by sitting as chairman of the Council. The Governor did not carry out his intention, probably due to the criticism aroused, but the incident shows the condition of legislative affairs on the island.

About this time the Assembly began discussion on the financial question which in all its features touched on every point of importance in the Island's affairs for the next seven years—the crown lands, the civil list, the public accounts, and finally whether there was money owing to or from the Hudson's Bay Company for its expenditure during its years of administration. Mr. Yates, one of the independent members, criticized the Governor for not giving the returns of revenue and expenditure as he had promised. DeCosmos explained this refusal through that fact that there were "large debts against the colony, which it was desirable to hide here from the public, till the Hudson's Bay Company get them accepted in England, for fear the people would certainly demand investigation."

It will be remembered that one of the stipulations in the grant


2. British Colonist - Nov. 4, 1859.

3. Ibid - Nov. 16, 1859.
was that the Hudson's Bay Company should sell the land of the colony and then use the revenue, less ten per cent, to defray the civil and military expenses of the colony. When the imperial government took back the grant it was to repay the Hudson's Bay Company for all expenses incurred in the administration of the colony, over and above the land revenue. The question was then before the Assembly, "did the Company spend all this nine-tenths of the land revenue on the colony or has it kept some of it back which should now be handed over to us? Or did it spend more than the nine-tenths which must be refunded?" Since the independent members of the Assembly were in a minority, Yates' proposal was defeated, and the Governor was able to keep the information from the colony for another session.

Very soon after this discussion the Assembly was dissolved and writs for a new election were issued. DeCosmos advised the people to be wary of endorsing any candidates until they found out exactly who the men were, who supported them, and with what interests they were connected. They should support no office holders, particularly those of British Columbia, and no servants of the Hudson's Bay Company. "In short we want men there who know no interest but the public welfare, who seek no gain but the common good of the whole country." He was disgusted, therefore, when the new Attorney-General of British Columbia, an absentee official, offered himself as a candidate.

1. British Colonist - Nov. 16, 1859.
2. Ibid - Sept. 16, 1859.
for Victoria. "He who deals unfairly to one country is likely to do so by another; and we are much mistaken in the elements of this constituency, if any elector can be found so void of honesty and so regardless of his own interests as to trust any man as his representative who has not performed his duty to the country to which by every rule of right he is justly bound alone to serve." For the next few years, some of DeCosmos's most bitter editorials were to be directed against this man, Mr. Cary.

DeCosmos entered the field as a candidate for Victoria City, and at once he was opposed by the Family-Company-Compact. The cry was raised that he was an American and that his change of name was due to some past misdeed. Their most futile argument, however, was that he was a Nova Scotian, not an Englishman, and as such, not fit for election in a British colony. He scathingly rebuked the government party for this. "We have exposed the absurdity and ill-advisedness of an attempt to put colonists and Englishmen against each other. Any and every British subject, in what ever part of Her Majesty's dominions his


2. Ibid - Sept. 14, 1866. An obituary notice of Cary. He was a young Irishman, a student of Cairns in England. Was appointed Attorney-General of Vancouver Island in 1860 and resigned that office in British Columbia in 1861. Remained in office until 1864, when forced to resign due to ill-health. Built the famous Cary Castle, called Cary's Folly, which later became the Governor's residence. He seems to have made many enemies, due to an unfortunate disposition. He was hand in glove with the Governor. Died in England in 1866.
birthplace may be, is entitled to all the rights and privileges of this colony." 1 Loyalty is beginning to mean in certain quarters from England direct. True British feeling is not confined to England, nor have recent arrivals hence a monopoly of it. It is inspired by an intelligent preference for those principles of constitutional government, which our gracious sovereign so worthily represents and so faithfully maintains. The future may show that some colonists understand these principles and love them just as well as some Englishmen. 2

The government opposition developed from mere verbal criticism into decisive action as the day of election grew nearer. On nomination day, the Queen's Printer tried to make a farce of DeCosmos's nomination. The latter said, "if the government party must have some one at such a time to play the part of buffoon and rowdy, common decency would dictate that it should be some one else than Queen's Printer." 3

The second of these actions of the government was in the matter of the election itself. The government party, particularly Cary, had the idea that the colored population, through a little legal quibbling, might be said to have a vote. Since they were not citizens of the United States, and therefore citizens of no state, they might be said to be citizens of Great Britain and, as such, entitled to vote— a very convenient

2. Ibid - Dec. 24, 1859.
4. Ibid - April 7, 1860.
doctrine, which if carried to its logical conclusion would make every person, not a citizen of any state, a British subject, entitled to the vote, as soon as he stepped on British soil and took an oath of allegiance, regardless of any other qualification. These negroes were illegally registered, by merely taking the oath of allegiance, and, since they were enabled to do so through the assistance of the government party, they naturally voted for it. Some thirty of them supported Franklin, the government candidate and their votes were just sufficient to swing the election against DeCosmos.

DeCosmos was bitter against the government and resented the actions of the negroes who, until then, had created a very favourable impression by their good behaviour. These colored men gave their reasons for voting against reform. "Reform was a secondary consideration" to them! They supported those "who will best sustain English principles in their operations affecting us." He criticized these arguments saying it was no English principle at stake but a Yankee principle—"the principle of ignorant foreigners in the hands of demagogues, casting illegal votes." He suspected that, if he were allowed to examine the poll books, he would find that there were illegalities in them, and therefore applied to the Governor, to obtain access to them. The first request was refused and he again wrote asking the reason for the refusal, since the excuse that these books could not be placed in the hands of a private individual, prior to

being sent to the House of Assembly, was erroneous as a statute existed, guaranteeing that right. He attributed Douglas's refusal to his advisers, but declared: "If what I claim is not accorded to me by noon, to-morrow, I beg leave to acquaint your Excellency, that I shall consider myself at liberty to use those legal measures that will speedily secure to me the enjoyment of the privileges."

When Douglas refused again, DeCosmos applied for a writ of mandamus, to force the Governor to allow him to see the poll books. The decision then rested on the question whether the Governor was under the same law as ordinary people, or whether the judge was sufficiently his own master to do what was right. The mandamus was refused by the judge owing to the law concerning it, being so poorly drawn up by the Attorney-General. Since he was not able to see the poll books, the petition which he made rested on no direct proof, and was thrown out by the committee.

It was not only in DeCosmos's case that there was an attempt to control elections. In Esquimalt, the naval officers

1. B. C. Archives - DeCosmos Papers, DeCosmos to Douglas, Jan. 23, 1860.
4. Ibid - July 26, 1860. The committee refused to allow the lists to be opened. The colored voters were finally struck from the list for not being British subjects, Mar. 1861. Franklin, therefore was illegally elected.

combined with the Hudson's Bay Company to defeat Cooper, a reform candidate (and particularly obnoxious to the Company, as a witness against them in 1857.) Gordon was returned there and was to prove no credit to the government party. In the Salt Spring Island election, no proper notice of registration was given, and since many of the voters had to come to Victoria to register they did not have time to get there. When it was discovered that the popular candidate was a reformer, the registration was reopened for a select few who were government supporters. The Attorney-General assisted in this fraudulent act, while admitting its illegality, and he neglected his official work to go to the Island to run the election. In the Victoria County election, DeCosmos declared that intimidation was used. "The ground around the poll was patrolled by the officers of the Hudson's Bay Company and their tools in the government." 

When the election excitement had blown over the colony was quiet for a time until the Free Port Proclamation. This policy was favoured by the colony and it was expected that, with the opening of the second Assembly, a bill regarding the free port would be passed. Instead it came as a proclamation from

3. Ibid - Jan. 5, 1860. Nov. 30, there were 8 or 9 names registered for Salt Spring Island, Dec. 21, there were 21 names.
the Governor, on the advice of the home government; and although the colony favoured its inauguration, the method of procedure was resented. "Possibly certain official despatches and our correspondents' letters, not calculated to convey a very exalted idea of the emigration to this colony, may have induced the conclusion, that our representatives are hardly fit to be entrusted with so important an item of legislation and therefore it must be cut and dried on the banks of the Thames and made an article of export. This Island may yet become famous for the revival of obsolete statutes and dormant prerogatives. In the present day when colonial self-government is so thoroughly established, that what formerly was done by proclamation is now done by legislation, we take it as no compliment, that this colony should be made an exception."

An even more disagreeable proclamation came from Douglas, a five pound mule load tax in British Columbia. At once the colony was up in arms. The people had wanted a small tax to pay for roads, but certainly not such a heavy one. DeCosmos called it the act of a demented tyrant, and declared that Douglas studied "the best mode of to repel population." He traced the whole difficulty to the lack of self-government. "The position we take is, that every locality where ten or twenty British

1. Public General Statutes - Colony of Vancouver Island. Free Port Proclamation. "I, Go Governor Douglas, have been instructed by her Majesty's principal Secretary of State to proclaim Victoria a free port of entry and clearance for ships."


3. Ibid -- Feb. 9, 1860.
subjects can be mustered, should be constituted an electoral
district. The principle of government by representation is
equally applicable whether the inhabitants be few or many.
How is it that in a territory of the United States, the people
can be self-governed from the time that there are enough in a
settlement to make a town meeting, while in a British colony,
hundreds and thousands of intelligent freemen are doomed to
hear the dissonant announcement, 'now, therefore, I do enact'?" 1

The people of Vancouver Island felt that British Co­
lumbia's prosperity was closely linked with theirs, and conse­quently organized a public meeting to protest against the mule
tax. Resolutions were passed against this tax and also against
the form of government then existing in British Columbia. The
final resolutions dealt with the question of gaining more rep­resentative institutions for the sister colony. On the commit­tee to carry out the spirit of the resolutions was DeCosmos, a­
mong other prominent reformers. 2

Due to all the opposition aroused, Douglas felt forced
to do something about the mule tax. He was too petty to remove
the tax, and instead merely ordered its non-collection, there­by breaking his own law. DeCosmos declared that "the imperi­ous ruler of that misgoverned country must feel lowered in his
own estimation considerably, when convinced that he dare not ex­

the humourous story of Governor Douglas meeting the mule which was
used to advertise the meeting, and
suggests that this had a great deal
to do with renouncing the tax.
ecute the mule ukase; but as a statesman how much lower does he stand when he resorts to the unstatesmanlike shift of ordering the non-execution of his edict. How much higher would he have stood had he exhibited some degree of condescension, and publicly repealed that which the united voice of the colony has characterized as infamous."

When the Assembly met there was about the same number of reformers as obstructives, and the former were able to pass Foster's motion to consider all accounts before approving the estimates. This was a return to the ever-present question of whether there was a debt to the Hudson's Bay Company or whether it owed the colony. Up till now the accounts had been refused by the government, thus arousing suspicion in the minds of the independent people in the colony. Even now Cary, as the government supporter, tried to prevent the passage of the motion. DeCosmos said, "the opposition--in voting down the amendment of Cary, and defeating the irresponsible ministers of Governor Douglas--have entered a wedge which if driven home will let light into many a dark place. By persisting in this investigation they will settle forever these questions that agitate the people."

In connection with this investigation, DeCosmos discussed the position of Cary--the irresponsible minister of the Governor. As Attorney-General of Vancouver Island, without a

2. Ibid - April 28, 1860.
salary, he had been elected to the Assembly, but since then he had been given a salary. According to the law of the colony, he should resign and seek re-election. "His Excellency wanted to escape in some degree the responsibility of recommending the estimates and general policy, and inaugurate the idea that the 'Governor can do no wrong', so he used the juvenile office-hunter as a catspaw to do his bidding." Since this appointment was without precedent, "what now remains is simply for the Assembly to vindicate the principles of our constitution and bring both principal and subordinate to account for encroaching on the sacred rights of the Assembly by an appointment of an irresponsible minister." Cary, however, deserted the government policy, and DeCosmos declared that it was now up to the Governor to seek new advisers or dissolve the House.

Cary, in deserting the Governor, admitted that the colony should receive nine-tenths of the land receipts. This meant that, if the Hudson's Bay Company had not spent all of this money on the colony, (and most people were sure they had not) there would be a sum of money coming to the colony, which would free the home government of any debt to the Company and would free the colonists of any taxes for a considerable time. DeCosmos said that the Assembly should refuse to pass the estimates and saddle the country with an exorbitant civil list.

1. Franchise Act - 1859. An officer on receiving a salary after election to the Assembly, must resign and seek re-election.


until the matter was finally settled.

DeCosmos was, therefore, thoroughly disgusted with the Assembly when the obstructives, with the help of the Speaker, were able to vote the salaries for the year, before they gained any information about the fiscal condition of the country. However, the reformers were able to accomplish one thing, they suspended payment of the civil list until the Crown Lands were transferred to the colony.

Notwithstanding their first failure the reformers still continued to desire some knowledge of the financial conditions of the country against the wishes of the Governor and the obstructives who attempted to withhold the information. The climax came when the Assembly was sitting as a Committee of the Whole to consider the estimates and on rising it was decided to hold a night session. When the House met at night, it was discovered that there was a majority of reformers present and they would be able to do what they wanted with the estimates. As a consequence, the Speaker said the House could not consider the estimates, since, in rising, the committee

1. British Colonist - Mar. 3, 1860. The Governor's speech at the opening of the Assembly declared that the Hudson's Bay Company was no longer defraying the expenses, and that it was up to the colony to pass a permanent civil list. When this was done, the Governor would recommend that the Crown Lands be handed over.

2. Ibid - June 7, 1860.

3. Ibid - June 9, 1860.
had not signified its intention to sit that night. DeCosmos did not hesitate to criticize this action. "So he, the impartial Speaker, the son-in-law of the Governor, who boasted that he would bend the House to his policy, tries it by refusing to leave the chair, according to adjournment, according to parliamentary usage, according to the dignity, decorum and order of the House. Such conduct shows what he is, what disgraceful shifts dishonest policy entail, and how impossible it is for such as he and his to exert any moral influence in an intelligent country." 

On the publication of this editorial, DeCosmos was called before the House for a breach of privilege. In his defence he declared that he was not himself present at that sitting of the House, but "I called upon Mr. Waddington, and he gave me the account I have already furnished the House. From that information I published the article. If I have done wrong, Mr. Speaker, and your character has been maligned, I am sorry for it. No man in the colony has less vindictiveness than I have; but remarks made to me by several honourable members were more biting--more libellious than even this article is said to be." The House, however, declared that he must apologize for the libel. He consequently declared, "I apologize for the publication of an article which I believed to be based upon cor-

2. Ibid.
3. Ibid - July 5, 1860.
rect information." The explanation of the matter seems to be that some of the reformers, angered at the Speaker's action, had, in the first heat of anger, severely criticized his action. DeCosmos, accepting their explanation as the truth, and ever ready to seize an opportunity to criticize the obstructives, had written this editorial. The reformers, on second thoughts, were not so ready to agree with the scathing remarks, and preferred to let DeCosmos apologize for the editorial, on the grounds that the information given, whether true or not, had been too hastily accepted and placed before the public without due thought to the effect.

DeCosmos, in his efforts to educate the people, wrote a very fine editorial on party, as it should be and as it was on Vancouver Island. "Among Anglo-Saxons, on the parent soil or wherever that stock has been transplanted, it appears to be an essential ingredient, necessary to their liberty, their progress, and their prosperity. No people understand it so well as they do. It is simply government by majority; the right of the majority to rule. The elective principle ever carries with it a majority and a minority--the government and the opposition. Both are essential to freedom and progress, to prosperity and contentment. Each act as a check on the other. Without an opposition the rulers would become too corrupt, the government stagnant, the liberties of the people endangered, their interests


2. Ibid - Mr. Crease, one of those who criticized the Speaker, objected to witnesses being called to prove DeCosmos's evidence.
neglected, public burdens increased, and the revenue squandered on pampered favorites. Opposition, whether Liberal or Conservative, to be beneficial to the state should be based on well-grounded principles. Mere personal likes or dislikes cannot make a party of any durable effective strength. Such would be no better than faction. It is principles not men, that the people want."

He next turned his attention to party on Vancouver Island. "Party government has benefited other communities, but the specimen we have here is very unproductive. Parties in our Assembly are too evenly balanced to render much service to the country. No question exists but the reformers and reform principles have the sympathy of the masses; and the obstructives have the power, by the casting vote of the Speaker."

At this time Gordon, member for Esquimalt, was appointed Treasurer, and he resigned to seek re-election. DeCosmos entered the field against him. As usual there was a great deal of discussion about his change of name and the government party declared that there was no such person as Amor DeCosmos and he must run as William Alexander Smith. To save trouble and discussion, he decided to run as William Alexander Smith, commonly known as Amor DeCosmos. The voting was verbal and one man, in voting for him, in his nervousness, apparently forgot to repeat the little formula and merely voted for DeCosmos. The sheriff refused to let him correct himself and the vote.

2. Ibid.
stood eleven for Gordon, ten for William Alexander Smith, known as DeCosmos, and one vote for DeCosmos. There should have been a tie vote, but instead Gordon was declared elected. This was only one of many subterfuges to defeat DeCosmos. The sheriff had agreed to have a poll clerk, but instead acted in both capacities himself, whereas if there had been a clerk it was possible that the voter’s mistake would have been corrected. Again the election should have been based on the list of voters for 1860, but that of 1859 was used, although it was declared by the Registration of Voters’ Act to be applicable to 1859, alone. The sheriff refused to accept any voters registered since 1859, and the harbourmaster’s vote was accepted although he had no qualification and was no longer on the list.

DeCosmos petitioned against the election and finally, after four months, the election committee gave its decision. It declared the election null and void on the ground that the list of voters for 1859 (which the Colonial Secretary had ordered the sheriff to use) was inapplicable to an election in 1860. Cary tried to throw out the committee’s decision on the ground that it would make the proceedings for the session illegal, since Gordon’s vote would be no good. Waddington declared that the report of an election committee was final and could not be thrown out on any account. The Speaker said that

2. Ibid - Nov. 22, 1860.
3. Ibid - Nov. 24, 1860.
it had reported on something outside its power—the special clause, declaring that the Registration list of 1859 was inapplicable to 1860—and that it should merely have said that the election was null and void. The obstructives threw out the report, with the chairman of the committee, Tolmie, voting against his own decision. Immediately Gordon resigned to prevent the committee sitting again and making any more damning disclosures. He, of course, said that he believed that he was elected legally, but to save ill-feeling he would resign to run again. The list of 1859 was again used and it was a foregone conclusion that he would be re-elected.

The sequel of this whole affair might have been expected. Gordon had been picked up from anywhere by the government party, to run in Esquimalt and, for his vote in the House, the government gave him the office of treasurer. He then showed his gratitude by embezzling some government funds. It was then discovered, when an attempt was made to ascertain his assets, that he had not had sufficient qualification to run as a member, but had been loaned land by no less a person than the Attorney-General, and had been incriminated in a shady land deal with another man. To put a finishing touch to the whole story, the indictment drawn up by the Attorney-General had so many

1. British Colonist - Nov. 27, 1860.
2. Ibid - Dec. 6, 1860.
loopholes, that it was necessary to set Gordon free, with all the expense of a new trial to go through.

Like every other colony in North America, Vancouver Island had its struggle between Council and Assembly. The Council made an amendment to a liquor bill which involved a surrender by the lower House of their most important privilege, the sole right to tax the people. DeCosmos expressed the indignation of the people and the Assembly in an editorial. "Taxation without representation severed the old colonies from the Mother Country. If attempted here, it may bring about such a combination as may rid the country of an irresponsible council and an arbitrary Governor." The Council answered the assertion that the lower House alone could tax with a counter assertion, "that they possessed an indefeasible right to originate or amend all money bills." They also said that they were entitled to all the privileges of the lower House. They backed this up with amendments to the license bill. DeCosmos said "an irresponsible council has attempted to tax the people, and if there is a spark of English pluck in the Assembly, it should give such attempts their quietus, to-day, once and forever." The Council would not back down and the Assembly's majority was too much under the thumb of the Council to force the question. They got out

3. Ibid - Jan. 18, 1861.
4. Ibid.
of the difficulty by a little quibbling about the word privileges, the Council explaining that each House had definite privileges. The question was not finally settled when the Legislature was prorogued.

The Assembly had been sitting for nearly a year and had accomplished almost nothing. As DeCosmos said, "the entire session has been spent in devising means with a view to the creation of offices for favoured political partizans, wrangling with each other on matters of personal difference, debating questions of parliamentary usage, and the importance of maintaining the Speaker's dignity, to the neglect of the country's interests. They seemed to have become utterly oblivious to the great fact that their mission was to legislate, to devise means to promote the interests and develop the resources of the country; but instead of so doing, their meetings too frequently presented the appearance of a stall in Billingsgate; and the dignity of the Assembly been reduced to the level of a bear garden." 

DeCosmos criticized Douglas for dissuading foreigners to settle on the land, fearing their evil influence on British institutions, and yet by his unstatesmanlike policy and tyranny keeping away British subjects who were used to freedom; and at the same time refusing to give representative institu-

2. Feb. 7, 1861.
tions to British Columbia because the British element was too small. "If by any rule of reasoning, Governor Douglas can make it appear, to the satisfaction of the British people, that serfdom in British Columbia is preferable to civil liberty at home or in the Eastern Provinces, he may possibly succeed in obtaining a 'British element' sufficiently powerful to justify the establishment of liberal institutions in that colony." DeCosmos objected strenuously to the idea of classifying one nationality as superior to all others, and said, "we want no local jealousies based on birthplace; but let us act and speak as Vancouverians or British Columbians--as men who have dropped the local prejudices of our birthplace, and take a greater and juster pride in being considered a part and parcel of the land of our adoption--the Pacific Colonies."

As soon as the Legislature began its second session, the same question came to the fore again, the public accounts and, along with it, the civil list. As usual the government was successful in keeping off all investigation--although there was an almost successful attempt to have a submittal of the public accounts yearly. This question was particularly important, since a knowledge of how the money was spent in a current year was the only check which the Assembly had on the the Governor. DeCosmos, remarking on the government's policy, said,

2. Ibid - Mar. 1, 1861.
"whenever any independent member of the Assembly undertakes to put public matters on a proper footing, the cry is raised that it is an attack on the Executive. It really puzzles us to comprehend what substantial reason any admirer of the government can have for opposing any measure of the kind. If there was nothing wrong, such continuous opposition to a healthy check upon the public revenue and expenditure would lead almost anyone to imagine that there was 'something rotten in Denmark.' If there is nothing 'rotten', why oppose the ventilation of the financial affairs of the country?" As a consequence of this neglect to have proper checks on the public accounts, the Treasurer, Gordon, was able to make away with some of the funds.

It was not only the people and the press who had no confidence in the Governor; even the Council passed resolutions protesting against "the irresponsible, unbusinesslike and dangerous financial policy of the Executive." They particularly objected to the "irregular and unconstitutional habit of the Executive in anticipating and expending the public revenue without the sanction of law." Much to the surprise of everyone, however, the Assembly, or rather a part of it, supported the Executive against the Council, and passed a vote of confidence in his policy. DeCosmos said, "it looks as though

2. Vide Supra, P. 45.
4. Ibid.
Government was very weak—so much so that it can only exist while basking in the fond smiles of the Lower House.¹

With the opening of the Legislature for its third session, the government was defeated on a vote to go into supply. This meant a vote of no-confidence in it and Gary should have resigned, although of course he did not. When the House did finally go into supply, the reformers defeated the estimates by refusing to pay the two assessors. The only way out of the difficulty was for the Governor to dissolve the House, since the revenue for the year could not be collected without assessors. Instead the Governor was able to secure a recommittal of the estimates, by the reformers not showing a combined front against attack. Some voted with the government, some were absent, and only three actually voted against the recommittal. After this last farce, DeCosmos lost faith even in the reformers and said, "of all the unmitigated muffs that were ever collected together perhaps our Assembly is the most perfect that ever existed."²

The Governor made no attempt to let the Assembly know if the question of the Hudson's Bay Company debt or the town site claim had been decided yet. Since these questions could ¹. British Colonist - Jan. 24, 1862.
². Ibid - Mar. 25, 1862.
³. Ibid - April 3, 1862.
⁴. Ibid - April 11, 1862. Ring, Trimble and McDonald voted against the recommittal.
⁵. Ibid - May 3, 1862.
not separated from that of the transfer of the Crown Lands, this delay meant that the Assembly could not decide the civil list question and make the colony self-supporting. When the Assembly tried to find out about the question, first the Speaker neglected to forward the address to the Governor for four months, then the Governor at first could not answer it because of lack of clerical assistance, and finally he sent a direct refusal of the information. He said the correspondence had been between him and the home government and the latter had not authorized him to show it to the Assembly. DeCosmos said, "were the Assemblymen the Governor's bootblacks they could not be made more subservient nor hold a meaner occupation than by submitting to such a message—such cavalier treatment—such vassalage. The colony has been told to be self-supporting; and when the Assembly asks for information with a view to lessen the burden--the taxes heaped on the country--are told—'Mind your own business, fellows!'"

The Assembly was prorogued immediately after this, to be called again as soon as possible, at the beginning of the year. DeCosmos explained this, as he understood it. "The

1. British Colonist - Dec. 9, 1862. As the matter treated of by that correspondence is one exclusively between Her Majesty's Government and the Hudson's Bay Company, and as many accounts not settled and as arrangements not submitted for opinion of local government, etc.

2. Ibid.


early session—the extra session—the wonder of all wonders in our local politics, is due not to a desire to see the public business despatched early in the year; but to use the Rump of the misrepresentatives to take powerful means for the redress of public grievances out of the hands of the new Assembly, that is to be. The Government want to get supplies for '63 passed. If they can get that job done, the country may whistle for reform. The Government feels that the country is against it. It is persuaded that the popular vote, if purely and honestly cast, would elect men who would never consent to pass supplies, except reasonable answers in accordance with commemorial British custom were returned to their petition for the redress of public grievance."

After this Assembly had granted the supplies that the government wanted, it was dissolved, and writs for an election were issued. DeCosmos entered the field as a candidate for Victoria. His platform was a system of responsible government—not departmental—a union of Vancouver Island and British Columbia, on terms satisfactory to both; the transfer of the Crown Lands to the colony; investigation into the Hudson's Bay Company claims with regard to the town site; free grant of land to the settlers; measures to promote immigration from England and Canada; education free to all and non-sectarian; reciprocity of trade between the colonies and United States; new elec-

2. Feb. 28, 1863.
toral districts, with increased representation; maintenance of the free port system; and many other less important policies. As usual he was opposed by the Family-Company-Compact, but this time he was more successful and was elected second at the polls in Victoria.

After five years' residence in Victoria, DeCosmos had entered the Legislature as the recognized leader of the reform party. It might be said that considering the length of time that he had been in Victoria, he had not accomplished much. But it must not be forgotten that Vancouver Island was unique in the history of colonies. What could any man, however accomplished, do against the accumulated forces of the Hudson's Bay Company, and the type of settler it encouraged? In the first place the Hudson's Bay Company did not want to lose any of its authority, and secondly the type of Englishman that came out was subservient to the Company and very much the admirer of the status quo--rule by the privileged aristocracy of the Company. When was added to this type of settler, the American who came in for business reasons alone, who did not intend to stay permanently, and who desired a strong government that would prevent unrest, it is not surprising that DeCosmos took time to build up a strong feeling for reform. Nevertheless, at this time, it may be said that he had accomplished this very thing. Public opinion had appeared in the colony, and under his guidance was determined to secure reform.
DeCosmos in the Assembly.

The task before DeCosmos, as a legislator, was difficult. There was no consistent history of enlightened legislation or legislators behind him. He, as the recognized leader of the reform party, had practically to initiate the understanding of British institutions into an Assembly which with but few exceptions had been the plaything, the mere mouthpiece of the Governor and the Hudson's Bay Company.

As well as teaching the Assembly how they should conduct their affairs and, as it were, providing the machinery of legislation, he had to consider a great many vital matters which must be decided quickly. The two most important of these were union with British Columbia and the financial condition of the colony. DeCosmos appreciated the importance of both, and interrelated the two in an editorial. Speaking of union, he said, "the initiatory step now devolves on our Assembly, and in the absence of other Legislative authority it may negotiate the terms with the Governor, and as our financial legislation depends in a great measure on an early decision respecting a union with British Columbia, the sooner the question is taken up and dealt with, the better." Moreover on the question of

1. Papers - Relative to the Proposed Union of British Columbia and Vancouver Island. Newcastle to Douglas, June 15, 1863.

2. British Colonist - Sept. 8, 1863.
the civil list, he felt that the salary asked by the home government for the Governor was far too high, "and if we cannot get a new Governor or have the crown lands transferred to the colony till the Legislature votes the Governor three thousand ponds a year we fear we shall have to wait a long time for both. Separate government if it costs at that rate will be considerably too expensive; and presuming that the Colonial office is not disposed to recede to any very great extent, it makes the early consideration of union still more important."

It must not be thought that union had just appeared as a possibility in the colony at this time, due to the expected change in government in British Columbia and in Governors for both colonies. Union had been considered by both colonies from the moment of the appearance of British Columbia, under the rule of Douglas. The waste of money in two sets of officials, the lack of unity in the policies of the two was deplored by any admirer of effective administration. From the moment of DeCosmos's arrival on the island, he had advocated union, in the first place as the only means by which British Columbians could obtain free institutions. "Despatches have been received to establish 'free institutions without delay' in British Columbia. Why are not Columbians up and doing,--advocating union of the two colonies, and a House of Assembly formed from the united representatives of both? Except union is adopted British Columbia will be a long time without free

institutions." Even at that early date DeCosmos saw that union with British Columbia, from Victoria's standpoint, should not be declared impracticable even though it would mean giving up the free port. He saw that the advantages of a free port would be less important once union was won and there was free trade between the two colonies.

Later, in 1861, DeCosmos again advocated union for the purpose of a united policy and a saving of expense. "The act of union would sink forever out of sight the prospect of two or three petty colonies on this coast, each bowed down with the weight of governmental machinery, like striplings encased in giant's armour, each with different domestic laws; each with a different industrial policy; each without any connecting link but what is found in the national chain; each estranged from each other almost as though the sovereignty of each other's territory was vested in different monarchs." Again he declared, "we have no sympathy with the policy that would institute or perpetuate petty provinces, where the sharpened intellects of their inhabitants prey on each other; where the colonial mind doomed by Imperial legislation to a subordinate position, is still further doomed to grapple with petty politics, shut up with a small population, and shut out by provincial boundaries from a field fitted for its expansion and elevation, leaving little or nothing in common except a common nationality. We have no sympathy with

2. Ibid - Feb. 12, 1859.
3. Ibid - Dec. 18, 1861.
clashing tariffs checking intercolonial trade and depriving capital of a field for investment in manufactures. We go with the spirit of our age. It is not an age in which we should borrow our models from a past and almost wornout Colonial policy."

From these different expressions of DeCosmos's views it may be seen that the question was not a new one for him. In one particular he had modified his opinions, probably due to the strong feeling shown in the city. He declared in his election speech that he was an advocate of the maintenance of the free port system, but he did not directly connect it with union, but rather left a loophole, by saying he was in favour of a union on terms satisfactory to both colonies.

It was not possible to begin discussion of such an important question until minor details had been considered. One of the first of these, that DeCosmos picked out as needing reform, was the reply to the address from the Governor. He wanted to discuss this address, paragraph by paragraph, not merely give the Governor a blanket vote of thanks for all that he said. Such a proposal seemed sacrilege to those who thought that the Governor could do no wrong and that all that he said should be received with reverence. As a consequence DeCosmos's proposal was defeated.

About this time, with the fear that a new Governor would shortly be appointed, some of the hangers-on and mere

2. Ibid - July 14, 1863.
3. Ibid - Sept. 12, 1863.
puppets of the present Governor, Douglas, sent a memorial to the Duke of Newcastle, the Colonial Secretary, asking that he be re-appointed. DeCosmos at once raised a cry against this proposal, not from mere petty spite, but rather in the real interests of Douglas. "No real wellwisher of Governor Douglas—none but over-zealous people who usually overshoot the mark—would have ever attempted to gloss over an administration that has been singularly unfortunate to say the least... On the presumption that Governor Douglas would retire in due course, everybody desired to bury the errors, the defects of his administration, preferring to regard him in his retirement as the actual founder of two noble colonies, a high honour and a lasting monument." Since Douglas did retire there was no need to rake up old quarrels, as DeCosmos threatened would be done if he sought re-appointment. This editorial of DeCosmos's might be considered the final word on Sir James Douglas and the last battle in the campaign which DeCosmos fought against Douglas. How well he kept his word may be appreciated when one considers how little is known of Douglas's mistakes to-day and how much is known of Douglas, the founder of two noble colonies.

While carrying on his work in the Legislature, DeCosmos was also continuing his newspaper work. He soon found, however, that doing both meant that one or the other must be neglected. It can be imagined that the choice must have been a difficult one between giving up his politics, and giving up his paper, but like most men of ambition, he chose to remain in

politics. It does not seem likely that he ever regretted this choice later, although he did return to newspaper work during the struggle for Confederation. It is evident, however, that he did regret separating himself from the paper at that time. This regret is shown in his valedictory editorial. "So marked on some occasions has the support of the friends and patrons of the paper been, that it is with a pang of regret I now dissolve the connection and bid them farewell, in all probability never again to renew my connection with the public as editor and proprietor of a newspaper. Nothing but delicate health arising from over-application to the duties of a laborious profession, has induced me to retire."

With his mind free of other interests, DeCosmos was able to turn his attention entirely to the vital question of union. As he said, "much of the legislation of the colony for the session depends on the way the union question will be treated," and, therefore, the logical thing to do was to begin the discussion immediately. In the House, DeCosmos advocated union from economic and political reasons. His first arguments, particularly, stressed the economic advantages of union for Vancouver Island. At that time the Island depended entirely on its commercial interests for its prosperity. He showed the fallacy of any small city expecting to prosper indefinitely, isolated as Victoria was from any large mainland connections. The policy for Vancouver Island to follow, was to unite with British Columbia, and thus combine a country of great agricultural and

2. Ibid - Sept. 28, 1863.
industrial possibilities to the great commercial centre which the Island had developed. He declared that "we will establish such a policy as will raise our country to the high standard of England's civilization; such a policy as will found on the shores of the Pacific a people who will vie with the mother country in progress, in enlightenment, and in happiness."  

DeCosmos's argument seems to have been that once the two colonies were joined together, and the prosperity of Vancouver Island depended no longer entirely on Victoria's commercial standing, it would not matter so much whether Victoria remained a free port or not. Consequently he would leave this matter to a vote of a majority of the island members in a combined legislature. He, himself, had definite ideas about free trade. "His opinion in regard to free trade was that it was necessary at the outset of any new country; he would then approve of a gradual restriction till industry had attained a certain point, at which the broad principles of free trade might be adopted."  

As a counter proposal to DeCosmos's idea of legislative union, Helmcken suggested a federal union under one governor. The probable reason for the Speaker's suggestion was an attempt to defeat the whole aim of the reformers and send back to the imperial government, a proposal which would never be considered, since it had already worked so badly with Douglas.

DeCosmos was absolutely against this, and preferred a postponement of the whole question for six months to having such an unfair proposal given as the opinion of the House. "The great point he wished to gain for his constituents was a voice in the money power, he did not wish to allow the Excellency the sole control of money matters, and the only way to gain a voice in the money power is a Legislative union." DeCosmos moved, therefore, that a Legislative union be arranged, through delegations from both colonies meeting and then reporting back to their respective Legislatures—the union to insure that there would be no tampering with the free port of Victoria. Helmcken tried to amend it so that free trade and the mode of taxation be also left to the respective representatives. With this amendment the resolutions were defeated.

The next question that DeCosmos discussed was an attempt to gain responsible government. He suggested that since "the Council and Assembly are too small to admit—with safety to the people—among their members any officer of the Crown holding a place of emolument or profit," the solution would be a ministerial council, "composed of un-official, unsalaried members." He moved resolutions to this effect; first, that

2. Ibid - For, DeCosmos, Ridge, Duncan, Dennes, Against, Helmcken, Trimble, Bayley, Young. The casting vote of the chairman, Burnaby, defeated it.
3. Ibid - July 18, 1863.
there should be an Executive Council, with two members from the Legislative Council and three from the Assembly; secondly, that the heads of the departments, such as the Attorney-General, Colonial Secretary, Treasurer and Surveyor-General, should be ex-officio members with the right to speak but not to vote; thirdly, that this Council should be the sole responsible and constitutional advisers of the Governor; and fourthly, "that when such Executive Council cannot command a majority in the Legislative Assembly to conduct the business of the country, it ought to be invariably guided by the constitutional usages that govern the ministry in England under similar circumstances."

Lastly, he suggested that there should be no paid officials, except the Chief Justice, in the Legislative Council, and that none of the ex-officio members of the Executive Council should be in the Legislative Assembly. This was passed.

When the question of supply was brought up for consideration, the whole matter of the civil list and the Crown Lands was revived. The Colonial Secretary had offered the colony the control of the Crown Lands in return for a civil list which the Assembly thought exorbitant. DeCosmos declared that to accept this civil list, with the revenue from the Crown Lands so small, would mean a loss to the colony. The only rem-

2. Ibid - Feb. 9, 1864.
3. Papers Relative to the Proposed Union of British Columbia and Vancouver Island, Newcastle to Douglas, June 15, 1863.
edy as he saw it, was union with British Columbia. Until this could be brought about, it was suggested that there should be one Governor and one civil establishment as far as practicable, Vancouver Island paying one-third of the salaries of the officials, at the rate prevalent in British Columbia. These resolutions were sent to the Secretary of State.

The matter of the civil list should have been shelved until an answer was received to this communication, but, instead, when the new Governor, Kennedy, arrived, he brought out instructions from the Secretary of State, ordering the Assembly to make appropriations for a residence and a private secretary. At once the House, led by Helmcken and DeCosmos, refused to make appropriations from the general revenue for these purposes until an answer was received regarding the civil list question. If the Governor needed a residence, the Crown revenue could be applied. DeCosmos declared, "the resolutions sent to the Secretary of State by the House were based on the British Columbia Civil List which included a residence. It was not competent for the House to take up a subject which had already been disposed of, without violating the rules of the House."

The people in the colony, who had been disposed to receive Kennedy with a good deal of cordiality, were incensed against the discourteous action of the Assembly (as they thought) in refusing to grant money for the Governor's residence. A meeting of the people was held protesting against the Assembly's

2. Ibid - April 8, 1864.
action, at which DeCosmos, in the face of serious opposition, attempted to explain the reason for its action. He explained first that the whole question rested on the Assembly's desire to further the prosperity of the colony, and in so doing, it had refused a civil list which was exorbitant and exceeded the value of the Crown Lands' revenue. "The House had refused to accept the offer, and had offered to pay one-third of the British Columbia civil list, and have a joint staff of officials. How could the House, after passing the resolution in February last, take up the matter now? The House had simply left the matter to the Duke of Newcastle. In regard to the position of the residence the matter was left to the Duke, as all the House wanted was to keep Victoria the commercial capital. The question could not be brought up without prorogation. The Governor could take a house without consulting the colony. He was authorized by the Duke of Newcastle to do so, and he had done so, and the money comes out of the Crown revenue, and the taxpayers of the colony were not called upon to pay one cent towards it."

The opposition of the people did not amount to anything serious; nor, in the long run, did that of the Assembly, for within a year they granted the money for the residence. There was much opposition, however, when it was discovered that the Governor had applied the money appropriated, not to building a new residence, but to buying Cary Castle. DeCosmos

1. British Colonist - April 12, 1864.
voiced this opposition when he said, "in giving his vote for the appropriation of the money he had done so with a distinct understanding that it should be spent among the mechanics and others in the city."\(^1\)

The Crown Lands question was revived again, due to the committee which had been chosen to investigate the question, violently disagreeing and throwing out the report which DeCosmos had drawn up.\(^2\) In place of this report, therefore, he moved resolutions with regard to the question. He declared that the Hudson's Bay Company owed money to the Crown but that it was up to the Crown to obtain this money, so that the finances of the colony should not be injured, and so that the question of the civil list should be quickly settled. Tolmie and Helmcken immediately disagreed with the motion. These two old officials of the Company had not finally become free from the influence of the monopoly, but there was a change in the Assembly, and a majority of the members were for the resolution and it passed.

The House, at this time, received an answer from the Colonial Secretary in regard to its refusal to pay the proposed civil list. He authorized the Governor to pay his and the local Colonial Secretary's salary out of the Crown revenue, but he left the rest of the officers unprovided for. His despatch also dealt with the union question—his policy being to leave the matter to await the views of both Governors. The Assembly

\(^{1}\) British Colonist - May 9, 1865.
\(^{2}\) Ibid - June 11, 1864.
\(^{3}\) Ibid - June 17, 1864.
\(^{4}\) Ibid - June 28, 1864.
did not consider that there was anything to worry about, since they had only acted according to custom in not voting the civil list, and it could be paid as usual out of the Crown revenue.

It was, therefore, rather a surprise to them when they received a message from the Governor declaring that he was not authorized to pay any salaries, other than those specifically mentioned in the Colonial Secretary's despatch, and the House must provide for the remainder. DeCosmos declared that they must not consider voting the salaries, since they had already settled the question early in the session. To reconsider, when no proper answer had been received, would be vacillation on the Assembly's part. He suggested that the House should indemnify the Governor for any amounts he might draw from the Crown Lands' revenue, until the question was settled.

In the summer of '64 gold was discovered on the Cowichan River and at Sooke, and there was a small gold rush. Due to the excitement caused and the fear of disorder, Kennedy called a hurried meeting of the Assembly, but neglected to wait the requisite number of days between the summoning of the Assembly.

1. Papers - Relative to the Proposed Union of British Columbia and Vancouver Island. Cardwell to Kennedy. "It will of course rest with the Legislature to make provision for the remuneration of the other officers employed under the Government in any way and from any source which may seem most appropriate to them." This despatch does not definitely say that they may not apply the Crown revenue, if they find that the most fitting.

2. British Colonist - July 1, 1864.

3. Ibid - July 2, 1864.
bly and the actual opening of the session. The Assembly felt that the Governor had been unnecessarily upset over a comparatively unimportant matter and had exceeded his rights in calling them unconstitutionally. DeCosmos voiced this feeling when, after the Governor's address, he declared, "in accordance with an ancient custom of the House of Commons—a custom to which the national sanction had lent the force of law—a custom that had ever been carefully copied and jealously guarded by every British colonial Assembly—it became our duty to assert our inalienable right to legislate independently of the special cause of summons of the Crown, this day." The bill which he proposed to bring before the Assembly was one giving colonial lawyers equal rights with English barristers. He objected to the fact that although this bill had been passed last session by both Houses, the Governor had ignored it, in giving his assent to the other bills. Having shown the Assembly's independence of the Governor in legislation, at the next meeting DeCosmos referred to the illegality of the meeting of the Assembly. Whatever acts were passed that session would be invalid, and he moved a resolution that the House "was of opinion that it was not expedient to transact business till it was assembled in accordance with law." This motion passed, although there was an attempt to postpone its action six months. As a consequence of the Assembly's action, the Legislature was prorogued.

1. Called on four days' notice instead of fourteen.
4. Ibid - Council also declared it illegal.
The House was called again, within a month, and after some quarrelling over the reply to the address, they got down to the regular business. As usual the question of importance was the union of the colonies. The imperial government was anxious for union because of easier means of defence and finance, and DeCosmos said, "there were also colonial interests to be consulted in this union. We were people of the same race, the same language, the same laws, protected by the same government, and there was no just reason why we should be separated." He, therefore, proposed a legislative union, with an equal number from each colony in the Assembly, but with the right to determine the mode of taxation to remain with a majority vote of the members from each colony, and with the old laws, usages and liabilities of the colonies remaining unchanged until the new legislature saw fit to do so. If this proposal was not acceptable, he then suggested a federal union, with a federal legislature of two houses and one executive. There would be a legislature of one chamber for each colony, to determine taxation. Speaking in favour of his resolutions, he declared, "the whole tendency of disunion was to destroy sixty percent of the commerce of Vancouver Island. He would ask would Victoria be less commercial and less maritime were she united with British Columbia? It would be a direct advantage to British Columbia to be united to Vancouver Island with her free port; if the free

3. Ibid.
port was cheap to us it would be cheap to them. The House should keep this great fact in view—it was domestic free trade in these days that was the source of wealth and population and prosperity; foreign trade did not do it. Domestic trade made new countries and nothing else."

If the House voted against union through a fear of losing their free port, "there would soon be a strong party in the House backed by the rapidly increasing rural districts, hostile to our free trade policy. Suppose such a party should gain a majority in the House, and impose a tariff; if such were done, and we still remained separate colonies, our trade with British Columbia would be greatly complicated by passing through two tariffs. In asking for a union we were only looking into the future to protect ourselves and to make our trade with British Columbia a domestic trade. It was far better to protect our trade with the sister colony even with a probable loss of free trade principles than to preserve free trade and have no union." Through the action of the House, the resolutions regarding a legislative union were struck out. The federal union was passed, after a great many amendments. There was to be a Governor and a Legislative Council, New Westminster was not to be specified as the capital. The local legislatures were to remain as they were and the free trade question was to be excluded.

The Irrepressible Question, as the Colonist called it,

2. Ibid - Oct. 11, 1864.
3. Ibid.

2. Ibid - Oct. 11, 1864.
3. Ibid.
came up before the Assembly again, through a despatch from the Colonial Secretary regarding the Crown Lands. The note struck in the despatch was the injurious effect to the colony of not having the question settled, and assurance was given that acceptance of the civil list would not prejudice the colony's claims against the Hudson's Bay Company. This aspect of the question did not appeal to the Assembly, and DeCosmos moved resolutions regarding the question. "This House is of opinion that they would not be justified at the present time in guaranteeing a civil list on the conditions of the despatch of June 15, 1863, for the following reasons;" first, because the title to the Crown Lands was still vested in the Hudson's Bay Company, and there was no assurance of how much would be returned to the Crown; secondly, there were arrears due to the colony from the Company, for the land it had sold, and the Crown had not guaranteed that the colony would receive it;thirdly, the sum due was about $60,000 a year, and the colony could pay an ample civil list if this was given to them along with the territorial and casual revenues; fourthly, the matter of acquiring this money was left to the Crown, and they should obtain it without delay; fifthly, the salary of the Governor, with his official residence, was out of all proportions to the size of the colony; finally, the House had not yet received any answer to its despatch regarding one Governor for the two colonies. DeCosmos declared, "he looked on this affair as a bargain, and what we

2. Ibid - Nov. 16, 1864.
wanted to know from the Crown was what lands we were to get and what we were not. We could not tell what civil list we would grant till the Crown Lands question was settled, and we said to the government that we would not pass the civil list till this land dispute was settled."

The House was not bold enough to go so far as DeCosmos and they found it more to their taste to accept the resolutions of the Colonial Secretary, Young, "that this House regrets its inability to take over the Crown Lands and grant a specific Civil List, until the extent and nature of said Crown Lands shall be determined and submitted to the House."  

With the civil list question shelved for the moment, DeCosmos raised a question which had been troubling him for a considerable time—reorganization of the Council. He felt that there was need to formulate a constitution for it so that it would be workable under any circumstances. The particular circumstances of which he was thinking was the possibility of Confederation. "We must prepare ourselves and arrange our local institutions to take part in the great Confederation which we cannot avoid. The constitution of this colony had been shaped to suit the peculiar wants and circumstances of the colony, it was adapted to our wants in the past, and so it was quite constitutional for us to have it adapted to our wants now."  

The remedy that he sought was to make the Legislative Council elec-

2. Ibid - Nov. 22, 1864.  
3. Ibid - Dec. 6, 1864.
tive. As it was then the Governor could change the Council to bend it to his will, and since the members of the Executive Council were not responsible to the lower House, they could sit in the Legislative Council and help to control it. The Colonist objected to DeCosmos bringing the matter of Confederation into a question regarding the Legislative Council and felt that he had injured his position, "for he might have known from past experience the narrow-minded, short-sighted men with whom he had to deal. It would have been more politic to have introduced the Legislative Council resolution purely on its merits, and left the other topic for a future debate. To talk to many of our Assemblymen of five or six years in the future is like speaking of another century."  

At the beginning of 1865, Vancouver Island was beginning to feel a depression which was the natural result of the artificial prosperity which the colony had experienced until then—depending on one city alone, and that city living on the commercial advantages of having a country producing gold at its doors. The gold rush was coming to an end in British Columbia, and the country was settling down to a more natural state of affairs which would lead in the long run to more permanent prosperity but which had the immediate effect of greatly depressing Victoria's business. The people of the Island began to feel that the free port policy was not as profitable as it had been.  

1. British Colonist - Dec. 6, 1864.  

2. Macfie, Matthew - Op. Cit. Pp. 90-130. The author is an advocate of retaining the free port, believing that it is the basis of the Colony's prosperity.
There was beginning to be a rural population which desired to keep out the agricultural products of other countries. The great fear was, however, that with British Columbia a separate colony, it might initiate a policy which would be hostile to Victoria and which would turn its gold to other channels. With the feeling of the Island beginning to change, DeCosmos felt that the time to consider union on a different basis had arrived, and he got the House to place this matter before all others, even voting supplies. He declared that the only way to ensure gold coming from British Columbia to Victoria, was to make the two colonies one. He, therefore, moved these resolutions; "that the House, after having taken into consideration the present state of the colony is firmly convinced that it is expedient at the present time to observe the strictest economy in the public expenditure compatible with the efficiency of the public service: and that the immediate union of the colony with British Columbia, under such constitution as Her Majesty's government may be pleased to grant, is the means best adapted to prevent permanent cause of depression in future, as well as to stimulate trade, foster industry, develop our resources, augment our population and insure our permanent prosperity. And this House pledges itself, in case Her Majesty's government shall grant such union, to ratify the same by Legislative enactments if required."

2. Ibid - Jan. 26, 1865.
eight to four.

At once there was a cry from the commercial men who had prospered by the free port, that the House was not representative of the real feeling of the people. This cry was taken up by C. B. Young, member for Victoria. To quiet all discussion, and to decide the free port question, once and for all, DeCosmos resigned his seat along with Mr. Young, and the two men ran in Victoria again—one for union with British Columbia, and such fiscal policy as should be found satisfactory to both, the other for the retention of the free port unconditionally. Along with DeCosmos ran M'Clure, editor of the Colonist, as a supporter of union. The election was particularly bitter, with the free port candidates having the power and money of Wharf Street behind them. The Daily Chronicle which was indefinite in its opinion on the question suddenly changed and became a rabid supporter of the free port. MacMillan, one of the owners, was a union man, his partner, Long, and Higgins, the editor, were free port men. It is suggested that the free port party forced MacMillan to sell out to them. At any rate, he did sell out to Long. It is also said that the free porters bought another paper to support them. The Colonist declared that the merchants were intimidating their employees to force them to vote


for the free port candidates and that foreign merchants were using bribes to get votes.

DeCosmos explained at the different meetings held that he was in favour of retaining the free port unless they could secure union with British Columbia, but he was seeking to further more than mere commercial interests in the colony and he felt that union with British Columbia would be the solution. The question to be decided was "should we change the fiscal policy of the country and distribute taxation equally over the population, or retain our present policy and foster one interest to the injury of all the others. The policy of his party was to unite with British Columbia--a country which we had all worked to build up--to create a larger domestic trade and industry, and to build up a united country to counterbalance the power of the neighbouring republic. If united with British Columbia we would have only one set of officials, whose interests would be those of the whole country--not for a single line like Wharf Street, but for a line from Victoria to Cariboo.

1. British Colonist - Feb. 9, 10, 1865.


2. British Colonist - Feb. 3, 1865. If a separate tariff were put on here, it would be the ruin of the country.

Cf. Ibid - Feb. 8, 1865. If we did not obtain union now the country districts would soon compel us to impose a tariff without union, and we would be left with only our domestic trade to depend on. He first tells them that a separate tariff would ruin them, and then declares it inevitable if union is not secured.
from Vancouver Island to the Rocky Mountains."¹ Both DeCosmos and M'Clure were elected and a definite answer was given that Victoria had placed union before her free port.

Once this question was settled the House could turn to the matter of the estimates. It was able to reduce the amount asked by something over $140,000, while at the same time including the $50,000 for the Governor's residence. There was a deficit of about $60,000 between the revenue expected and the estimates voted. To make up this deficit, DeCosmos suggested that instead of borrowing this money at a high rate of interest, they raise the trades' licenses and put an import duty on stock. The latter part of his proposal was accepted and a tax on vegetables was also passed.² DeCosmos also suggested a tax on uncultivated lands. "He believed that no more land should be held by any man than he could cultivate," and he moved an amendment for an address to the Governor to take some steps to compel pre-emptors to improve their lands. DeCosmos and M'Clure were in favour of the motion being debated by a larger House, while a number of the members wanted to defeat the motion immediately. The two threatened to speak for a long period of time until they could force the House to let the motion wait for a larger representation. Their threat proved efficacious.

¹ British Colonist - Feb. 13, 1865.
² Ibid --Feb. 24, 1865.
³ Ibid -- Mar. 8, 9, 1865.
⁴ Ibid -- Mar. 17, 1865. These import duties were not going against the free port, they were merely protecting farmers.
⁵ Ibid -- Mar. 22, 1865.
Notwithstanding that the House, in the interests of economy, had passed the estimates at a greatly reduced rate, the Colonial Secretary brought in supplemental estimates amounting to $80,000. Part of this referred to the salaries of the officials which were in the proposed civil list and which the House had refused to pay, but had authorized the Governor to pay out of the Crown revenue. The House felt that it was not necessary to pay these salaries since the despatch from the Colonial Secretary did not say definitely that these salaries could not be paid from the Crown revenues. Moreover the Crown revenues were now better able to bear the cost since the discovery of gold had augmented them. DeCosmos said he was against paying these salaries since union was so near, and the Governor could continue to pay them until then. He said that he feared the good faith of the Governor if they paid these salaries now. At one moment he had declared that he was in favour of union and at the next, when he discovered that the House felt union necessary, he said it would be impossible unless the civil list question was settled.

Because of DeCosmos's continued opposition to the settlement of the question, Tolmie accused him of wanting to be sent as a delegate to England to settle the matter there (M'Clure 1. British Colonist - Mar. 17, 1865.


3. British Colonist - April 8, 1865.

4. Ibid - April 14, 1865.

5. Ibid - April 22, 1865.
had moved that one be sent). The truth of the matter seems to have been that DeCosmos feared, and rightly feared as later events showed, that if the colony accepted the civil list, they would forever give up any claims against the Hudson's Bay Company. The only consideration for which he would accept the civil list was with a grant of responsible government.

The whole question was finally settled by Dr. Powell's resolutions to pay the civil list and accept the Crown Lands, until December 31, 1866—on the expectation that before that time union would be granted. This action was not to have any detrimental effect on their claims on the Hudson's Bay Company. M'Clure made an amendment that if union was not granted by that date, responsible government should be granted and the people be given power to lower the civil list. Finally Tolmie made an amendment that the settlement of the question should in no way have a derogatory effect on the resolutions on union. DeCosmos did his best to have the resolutions thrown out as unconstitutional since the question had already been voted on that session. He was accused of factious opposition, but he seems to have been seizing any pretext to defeat a measure which he thought would in the long run be detrimental to the colony, by saddling it with an exorbitant civil list; while at the same time there was no likelihood of the claims on the Hudson's Bay

1. British Colonist - April 5, 1865.
2. Ibid - April 26, 1865.
3. Ibid.
4. Ibid - May 2, 1865.
Company ever being settled. His opposition was useless, however, and the resolutions passed with DeCosmos voting against them.

The Assembly soon got itself into an entanglement with the Council which had tried to amend the Trades' License Bill so as to change the mode of taxation. DeCosmos declared that this was an infringement of the privilege of the House. This small dispute was overshadowed, however, by the struggle with the Governor over the right of the Assembly to order its own bills to be brought up. The Governor had declared that the money collected through marriage licenses belonged to the Crown revenue. DeCosmos "thought the colony should settled these matters itself, by bringing in a bill making the fund payable to the general revenue." The House got a very severe setback when the Governor declared that the Assembly had no right to bring in this bill. DeCosmos declared that in the first place the bill should not have been sent to the Governor. Secondly, the House had ordered the bill to be brought in and it was the duty of the chief executive officer of the House to have the bill drawn up. "It was one of the privileges of the House to order its own bills to be drawn up and he would not abate a jot of these privileges."

The interference of the Governor in the House's business was again felt when the Treasurer refused to send down pa-

2. Ibid - June 13, 1865.
3. Ibid - June 17, 1865.
4. Ibid - June 23, 1865.
pers that a committee of the Assembly had asked for in an investigation regarding the coroner. The Treasurer based his refusal on the fact that he did not have the consent of the Governor, and "DeCosmos considered that the committee and through them the House had been treated in the most unhandsome manner imaginable and in a way that reflected the greatest discredit on the Executive."

The fact that the Governor had caused so much trouble in his relations with the Assembly--in interfering in the right to bring in bills, in refusing to allow the heads of departments to give information, and in his delay in obtaining and giving answers to the important questions such as the Crown Lands and the union--caused the reform members of the Assembly to realize that perhaps they had been a little hasty in putting a blanket clause in to the union resolutions of January, 1865, whereby the imperial government could arrange union as it desired and the Assembly promised to ratify its arrangements. They began to appreciate the difficulties that would ensue if there was no assurance that representative and responsible government would be given (although none of them expected that they would not be given at least as liberal institutions as they enjoyed at present.) M'Clure, therefore, moved resolutions endorsing those of January, but with the rider, "that although this House has already shown its willingness to accept whatever constitution 'Her Majesty's Government may be pleased to grant' it would fail in its duty to the people of this colony, as well

as to Her Majesty, did it not express its conviction that no constitution would be adapted to the growing wants of these colonies that did not embrace a representative government that would give the people the right to determine the mode as well as the amount of taxation, and that would make the official heads of departments responsible to the people of the united colony.\(^1\)

These resolutions of M'Clure's were endorsed by DeCosmos.

At the beginning of 1866 one of the members began the consideration of a question which was to lead to the famous long speech so often attributed to DeCosmos but in reality the work of M'Clure. This member asked for the returns of all lots of land sold for municipal taxes since April 24, 1865, since he felt that the non-publication of these returns worked hardship on many who had had land sold and might wish to redeem it before April of 1866. DeCosmos was of the opinion then that the inquiry was unnecessary and that the returns would not benefit the public. However, the motion passed. The question was again brought up in the middle of April, a few days before the final time for redemption. Cochrane, the same member, asked for another year for the people to redeem the land sold since the government had not complied with all the provisions in not publishing the returns, and many people might suffer. In order to get the bill passed in time he asked for a suspension of the standing orders. This policy was opposed by Dr. Ash

\(^1\) Papers - Relative to the Proposed union. Kennedy to Cardwell, Dec. 16, 1865, Enclosure No. 1.

\(^2\) British Colonist - Jan. 4, 1866.
who thought it would work a hardship on those who had bought the land for legitimate purposes. DeCosmos also objected to breaking a definite contract between the government and the purchasers. Both these objections were overruled and the motion was passed to give an additional twelve months for redemption. This bill was sent up to the Council and they amended it so as to make the government pay for the redemption of the land, not already redeemed, for another year. The government was to pay back all it had collected and make itself an agent for the defaulting taxpayers, who could buy back their lands from the government. The Council was exceeding its rights by initiating a money bill to pay delinquent taxpayers. DeCosmos raised these constitutional objections and said that such a bill should not be passed whether innocent people were suffering or not. Through the vote of Dennes the bill was defeated. There had already been objections to Dennes sitting in the House at all, since he was accused of being bankrupt, but as yet this accusation had not been formally proved before the House and he still

1. British Colonist - April 7, 1866.
2. Ibid - April 20, 1866.
3. Ibid - Against bill as amended, Tommie, M'C lure, Dennes, DeCosmos, Ash. For, Cochrane, Powell, Dickson, Carswell. Trimble had been voted into the chair by the supporters of the bill because they thought they were strong enough to pass the bill, but they neglected to take into account the fact that Dennes might arrive late and throw their calculations out. He had been very intermittent in his attendance at this session.
was legally entitled to vote. On the twenty-third of April, however, the last day but one for redemption, Dennes's seat was declared vacant, owing to his bankruptcy. Due to the fact that the bill had been defeated by this member's vote, Cochrane moved that the standing orders be suspended to enable the bill to be passed before the next day. The bill asked the Governor to authorize the Treasurer to pay the amounts due under the Sheriff's sales of April 24, 1865. DeCosmos declared that this policy would be useless since the purchaser had the final say and, according to law, the original owner and his heirs alone were allowed to redeem the land. Nevertheless the standing orders were suspended and the House refused to take the bill to committee of the whole. This was an absolutely unprecedented proceeding and the minority protested, but in vain. The third reading was insisted on and DeCosmos, Ash and M'Clure each had only once to speak. Up till four o'clock on the next afternoon was the time that money could be accepted and these men determined to speak until that time had expired—in all twenty-six hours. M'Clure spoke from two in the afternoon on April 23 until six the next morning, and DeCosmos continued from six until one that afternoon. Then the majority admitted defeat and ad-

Bankruptcy and lunacy must have continued six months, before a member forfeits his seat. Rogers, II., 43, 44.

2. Dr. Ash paired off with Dr. Tolmie who was rather luke-warm on the subject, and presumably preferred to go home to listening to twenty-six hours of speeches.
journeyed. As the Colonist said these men "spared the records of the House the disgrace of containing a resolution that asked the government of the colony to break the laws on the statute book, to violate compacts into which it had solemnly entered, and to devote the public money in an illegal manner for an unjust end."

The after effects of this long speech are particularly interesting. M'Clure left the island within six months, went south, and died in California from the effects of this sixteen hour speech. Eventually this speech became famous as one of the longest in the world. Due probably to M'Clure's death and the fact that he was far less well-known than DeCosmos, the credit for the speech was given to the latter, and he never bothered to deny the story and as a consequence a tradition has grown up that he made the speech. At the same time there has also grown up the belief that he and possibly M'Clure had bought heavily at the tax sale, for speculative purposes, and they feared that they would lose the land if the bill was passed. Consequently they opposed it for selfish purposes. On examining the returns of the tax sales and who bought the land, one cannot find any evidence to prove that either DeCosmos or M'Clure bought land. It is of course possible that land was bought for them by some third party, but it is not probable. It seems more

1. British Colonist — April 24, 25, 1866.
correct, therefore, to say that the two men were actuated by motives of public interest rather than private gain.

At the beginning of 1866 the Assembly began a struggle with the Governor and later the Council which was to last until union. The quarrel arose over the estimates through the Assembly asserting its right to initiate money grants. The estimates, as proposed to the House by the government, were felt by the Assembly to be far too high, and they determined to cut them down, and to change them so as to give more money to improvements and less to official salaries. In so doing they would have in many cases to initiate some money grants and to alter others. This right was asserted by Dickson, against the objection of the Speaker, and a motion to that effect was passed by the House. DeCosmos declared that this was the practice of other colonies and a right given by the Colonial Office until the Legislature itself surrendered it. "He admitted that under such a system a deadlock might occur, and responsible government was the only remedy." ¹ "Why English history was full of instances where the representatives of the people refused to grant supplies until the Crown had agreed to certain stipulations. This House had the same right as the Commons in England. There was no desire to trench on the prerogative of the Executive. The real difficulty in the whole matter was the absence of a connecting link between the House and the Executive." ²

With this precedent in mind, the House proceeded to

2. Ibid - Jan. 27, 1866.
advocate a system of retrenchment. They cut down by some $80,000 the estimates for civil establishments. Although a quite large sum was voted for public works and improvements, it was not to be raised by direct taxes, but by loans of two sorts (one of $100,000 to be used for public works and another of fifty thousand pounds to be borrowed at a lower rate, with a sinking fund, to be paid off in twenty years and to be expended in paying off the other loan and the balance appropriated for public works. This scheme was suggested by DeCosmos and was accepted by the Assembly.

While cutting down the estimates for civil establishments, the House had considered uniting the office of coroner with that of stipendiary magistrate, but it was decided that this would be impossible, and instead they reduced the former's salary. In view of their action, it was rather a surprise to them to find that the Governor had removed the office of coroner. DeCosmos declared that "the fundamental constitution of this colony as well as that of Great Britain had been invaded. A public officer had been removed without cause or preliminary notice. English law was clear and definite. The coroner could not be removed without cause. He considered that the course pursued was uprooting one of the fundamental laws that has governed the Anglo-Saxon race for a thousand years. The House had transmitted the estimates, and according to the Honourable Speaker those estimates had been graciously received." The ques-

1. British Colonist - Feb. 8, 1866.
2. Ibid - Feb. 22, 1866.
tion demanded investigation, "as he considered the action of the Executive a direct attempt, for paltry considerations, to intimidate the members of the House in the discharge of their duty." This motion for investigation was carried.

In a few days the whole question was brought to a crisis by the Governor's message declaring that the House had no right to initiate or change money bills or to do away with public offices. M'Clure, with the backing of DeCosmos, moved resolutions dealing with the message. He declared officials could not expect permanency with union so near. Moreover bills were being brought in to remove the acts which gave them office. There was no party feeling in the reductions, but they were being made for the public good. The money they had added to the estimates was for public works. They had cut down the police estimates since they were providing for municipal government. The House had decided that the amalgamation of the coroner's office with that of magistrate was impossible. Finally the Governor was mistaken in saying that the right of the Assembly to initiate money bills was unconstitutional. DeCosmos, in carrying on the discussion, suggested that there should be a compensation of one month's salary for those put out of office. He thought that instead of the Governor regretting that a party was appearing in the colony, he should be rejoicing that the new party was working in the interests of the people. He said that the House could ignore the Governor's tactics because he

2. Ibid - Feb. 8, 1866.
had to come to the House for supply. Later in the session, he moved that the Queen be petitioned to disallow the Governor's dismissal of the coroner as unconstitutional and this was passed.

When the estimates were sent to the Council for its consideration, it threw them out, at the same time casting aspersions on the Assembly's financial policy. Since the Council had thrown out the money bill for the year, the Governor had no money with which to carry on the government and he was forced to borrow, without the consent of the Assembly. He was finally forced to come to the Assembly, when the colony's credit was no longer good and he could neither borrow any more money nor pay the colony's bills. DeCosmos said that the government must go on, consequently the Governor had to borrow. The right to borrow had been given him in the estimates, but since the Council had thrown them out, the Assembly must now

1. British Colonist - Feb. 9, 1866.

Cf. DeCosmos's Scrap Books - B. C. Archives. Through newspaper clippings, one gets an account of the session, as seen by an enemy paper, the Chronicle.


Ibid - Aug. 4, 1866. The reply of the Colonial Secretary was that the Governor had a right to remove the coroner, since it was not a permanent appointment.

3. Ibid - May 7, 1866.

4. Ibid - May 31, 1866.
authorize his loan, and allow him to borrow some more. DeCosmos was criticized by some of the other members for his stand, but he said that although he disagreed with the Governor in many things, he could not feel that he was at fault in this matter. The authorization was given the Governor, and the financial situation was settled, until the reconsideration of the estimates.

The Assembly began secret sessions to consider the state of the colony and in connection with these sent an address to the Governor asking for information regarding the Crown Lands. This was refused in a very methodical manner—unless the House was disposed to settle the question finally the information would not be given. The House declared that it was unnecessary to give the reasons why they asked for the information, it was their due to have this information disclosed. They condemned the Executive unanimously.

They sent the resolutions which were the result of the secret sessions to the Governor, to be sent direct to the Colonial Secretary. Instead the Governor transmitted them to the Council. The reason for this action seems to have been that the resolutions asked for a great reduction in the official salaries and the Governor wished them to be defeated by

1. British Colonist - June 6, 1866.
2. Ibid - June 19, 1866.
3. Ibid - June 20, 1866.
4. Ibid.
the Council's salaried officials. There was no precedent for the Governor's action, since the last resolutions on the state of the colony had been sent direct to the home government without referring them to the Council. The House declared that it was inexpedient for the Governor to lay these resolutions before the Council, since five-eighths of its members were salaried officials, and they ordered the Speaker to send the resolutions by telegraph direct to the home government.

The resolutions were also published in a detailed manner after they were transmitted. The varied evils of both the colonies were due to their continued separation, and the expense of separate officials and of legislation inimical to each other. The resolutions also blamed the evils on the lack of representative institutions in British Columbia; the preponderance of official influence in Vancouver Island; the bad effect of an upper House which nullified all the lower House did; and the refusal of the Governor to give information. They asked for a constitution that would enable the people to control taxation and expenditure and prevent the official element acting to the country's detriment. They offered a civil list of two thousand pounds for the Governor, and a total of seven

2. Cf. Papers - Relative to the Proposed Union. Kennedy to Cardwell, Mar. 21, 1865. He is against an elective assembly after union. The Legislative Council was occupied in correcting mistakes and undoing the crude legislation of the Assembly, which was greatly at fault in financial subjects.
thousand. The Governor must be one who was not interested in the system that had grown up, and he must have had experience in representative government.

With this matter disposed of for a time, the Assembly returned to the estimates after the Governor sent down a message that the officials' salaries must be paid or he would have to close down the offices. Consequently the estimates were finally passed, by cutting out all the proposals that the reformers had made. DeCosmos opposed this policy, still contending that the Assembly had a right to initiate money bills. He, along with Pidwell, was the only consistent reformer in the Assembly, and they were the only ones who voted against the estimates.

When these estimates went before the Upper House, they were accepted in whole but not in detail. This amounted to a declaration that the lower House should have nothing to say about the manner in which the money was applied. The upper House also attempted to establish its right to initiate money bills. When the Assembly refused to accept the Council's decision, DeCosmos moved resolutions declaring that the Legislative Council had no right to originate, amend or alter a supply bill. It merely had the right to reject or accept. He said,

2. Ibid - July 7, 1866.
3. Ibid - July 16, 1866.
4. Ibid - July 17, 1866.
5. Ibid - Aug. 29, 1866.
"This House possesses the sole and exclusive right to grant supplies to the Crown, and in every bill of supply to limit the time for which such grant will be made, to name the amount of money to be expended for each and every service chargeable in the general revenue and to attach such conditions to every grant as in the judgment of the House is right, proper, and for the public good." M'Clure seconded these resolutions and they passed. Thus DeCosmos had finally persuaded the Assembly to assert again its right to initiate money bills. The supply was thrown out for the year, and the Governor refused to accept the officials' services gratuitously; consequently they were all dismissed.

The Assembly began consideration of an address to the Governor regarding his attitude towards them, which was in effect a vote of want of confidence. There was some talk during the discussion of the unfortunate retirement of Douglas, as though his administration was a model of virtue, compared with Kennedy's. Both DeCosmos and M'Clure objected to the word unfortunate and said it was fallacious to attribute all the misfortune to the present Governor. Again these two protested strongly against a suggestion that the request for the reappointment of Douglas be embodied in the non-confidence resolutions. These protests were effective, and the suggestion was defeated. The want of confidence motion was passed, but DeCosmos asked

2. Ibid - July 19, 1866.
3. Ibid - July 26, 1866.
that it be held over until they had discussed the question of a ministerial council. A motion regarding the latter was lost, and the non-confidence motion sent to the Governor.

It can be seen that the colony of Vancouver Island was in a serious state, with no estimates for the year, and with the Assembly having no confidence in the Governor. It might be thought that conditions could not possibly become any worse, but nevertheless rumours began to spread that the union bill was not going to give responsible government and was going to interfere with free trade. An attempt was made, therefore, by M'Clure, to withdraw the unconditional union resolutions of early 1865, with regard to any effect on representative institutions. DeCosmos opposed this action and said he would accept union under any circumstances, even with no Assembly of any kind. To say that they would only accept union if popular representation was given, would be suicidal. He, however, was the only one against M'Clure's motion.

When the proclamation giving union was made public, it was even worse than they had feared. It took away what little representative government Vancouver Island enjoyed and put in its stead a partially elected Council; it placed the seat of government at New Westminster; and it did away with the free port, by placing a ten per cent tariff on goods. Union was to

2. Ibid - Aug. 1, 1866.
3. Ibid - Aug. 8, 1866.
5. Ibid - Aug. 29, 1866.
become law on the proclamation of the Governor, and no option was given to Vancouver Island to refuse it.

M'Clure disgusted at the proposed union, began an annexation cry. DeCosmos whether disgusted or not, and he must have regretted a return to even more archaic institutions than they had had up till then, did not join in the cry. It is possible that, feeling that his own powers were still good, he looked forward to a continued struggle for responsible government in a wider field. Therefore, however much he must have regretted the comparatively little he had accomplished of his aims at the beginning of his entrance into legislative life, he was never one to regret what was passed and gone, and he still had a great deal to look forward to in the fight for responsible government for British Columbia and in the greater struggle for a place for his province in the Confederation which was soon to come into existence.

2. Ibid - Oct. 1, 1866.
Union had been won for Vancouver Island but at the expense of her representative institutions and the temporary loss of her capital. The recovery of these was to take the most prominent place in the platform of any candidate for the Island, for the so-called Legislature at New Westminster. De-Cosmos was not slow to appear as candidate for the District of Esquimalt and Victoria, and he put these two objectives in the forefront of his election promises along with retrenchment and reduction of taxation. He, of course, won no support from the British Colonist, which warned its readers against "electing men who brought this union upon us and now think they can change the form of government if they are elected." It spoke about the claptrap of People's Rights and Responsible Government, and reminded the electorate what these cries had accomplished in the Assembly.

1. In June, 1866, the British Colonist and the Victoria had joined together, and M'Clure had retired from the editorship. Higgins and Long edited and owned the paper. They were free port men and antagonistic to DeCosmos. For a time the paper had both names but it soon returned to the British Colonist.


Nevertheless DeCosmos was elected, with Helmcken as a fellow member, to represent the district. The Colonist had to make the best of a bad job, but did it with poor grace. "As for Mr. DeCosmos's former acts, we can only say that in our opinion he has no reason to be proud of them, nor has the colony profited by his legislative achievements." It would, however, accept Dr. Helmcken's advice to bury the hatchet.

The question of the capital was brought up even before the Council met, when the city members heard that the public offices were to be removed to the mainland. A public address was sent to the Governor regarding this matter, and he replied that he would be impartial and leave the question of the capital to the Legislature. In order to show to the latter that the people of Victoria were unanimous for the capital, a public meeting was held at which the motion was made by Finlayson, "that the seat of government should be located where it will meet with the concurrence of, and afford the greatest accommodation to the majority of the inhabitants of the colony." This was followed by a resolution of Burnaby's that Victoria was the best place. DeCosmos declared that "the principle involved in the resolution was the broad one acknowledged in every well-regulated community, that the majority should prevail!"

The matter rested there until the Governor's message was put before the Council.

2. Ibid - Jan. 8, 1867.
3. Ibid.
The people of Victoria felt that they had still another grievance in having only seven representatives in the Council, instead of the eight promised by the union. This then was the first question asked by Helmcken when the Council was opened. Crease, the Attorney-General, replied that it was up to the Governor to appoint whom he wished. The first question asked by DeCosmos was that the collection of duties on goods from Vancouver Island to the mainland be discontinued. It was decided to leave consideration of this matter until the address from the Governor had been discussed.

When the reply to the Governor's speech came up, DeCosmos, although on the whole moderate, did not hesitate to criticize the speech for its neglect of the question of a new constitution and other matters of importance. "If there was anything statesmanlike in the speech he would be glad if some honourable gentleman would point it out. There was no industrial

3. Journals - Legislative Council, 1864-1869. The Customs Ordinance of 1865 made it legal to collect duties on goods coming from Vancouver Island, as well as other places. This was terminated by the proclamation of the Union Act, Section 5. This declared that the laws of British Columbia regarding customs applied to Vancouver Island. Consequently the two places were under the same system of collecting duties. Nevertheless the government continued to collect duties on goods from Vancouver, although it was illegal.
policy, no attempt to add to the population, or to find and absorb labour, what did the Government propose to do? Nothing!"

The question that DeCosmos had brought up, that of collecting duties on goods from Vancouver Island to New Westminster, was introduced again by the Attorney-General who wanted legalization for the past and the prospective collection of duties on the goods from the Island. DeCosmos declared that this was illegal and unjust; he would vote indemnity for the past but would not perpetuate the wrong. "It was creating sectionalism, more, it interfered with the freedom of trade. He had had as much to do with bringing about union as anyone, and one of the great objects was to do away with sectionalism, and not to have a tariff at one port which did not exist at another." He also characterized the actions of the government in relation to the double duties as those of so many officers of banditti. Crease admitted the illegality of the action but said it was expedient. Helmcken declared that it amounted to this, that the representative members were useless, and the government members could pass any act that they wished. When the vote was taken for the first reading it passed. The bill, when passed in its final form, made legal the past collection of duties of goods imported from the Island, but the future collection was left to the Governor to decide. He gave orders that no further duties

2. Ibid - Feb. 11, 1867.
3. Ibid - Mar. 19, 1867.
4. Ibid - Feb. 4, 1867. McDonald, Helmcken, DeCosmos, Pemberton, against.
be levied after March 30, 1867.

When the estimates were brought up, it was seen that, although they were greatly reduced, it was at the expense of public works, while most of the money was for salaries and interest on the debt, and at the same time there was an anticipated deficit of about $200,000. DeCosmos declared that the estimates should not be considered until returns of expenditure and revenue for other years had been given. Finally after much discussion it was decided to ask for revenue in detail and approximate expenditure. Walkem attempted to get a general resolution on the Crown Salaries Act passed, but this failed.

After the estimates were passed, Walkem brought this matter up again, and moved an address to the Governor to ask him to reduce the salaries under that act. Birch, the Colonial Secretary, said the Governor had no power over that act; it must be repealed by the home government. He said he was disinterested but it was dangerous to have the executive officers at the beck and call of the representative members. Therefore he declined to "allow servants to vote on their masters' salaries." The officials withdrew and the resolution passed.

DeCosmos raised the question during the consideration of the estimates of the amalgamation of offices in the Post Of-

2. British Colonist - Feb. 19, 1867.
3. Ibid - Feb. 22, 1867.
4. Ibid - Feb. 27, 1867. Against, Robson, Barnard, McDonald. For, Helmcken, DeCosmos, Southgate, Stamp, Pemberton, Walkem.
fice. Young said that it was the prerogative of the Crown alone to apportion and the House could merely vote or not vote, but it could not increase taxes or insert in a bill where money should be spent. He even denied the right to decrease the estimates. DeCosmos declared that it was the duty of the Crown to propose and of the legislature to pronounce pro or con or decrease.

The three questions of importance which came before the Council were the question of the capital which was left indefinite, the question of a change in the form of the constitution to make the latter more liberal, which was defeated, and the question of Confederation which was debated and approved unanimously. The Governor in his opening speech had neglected to proclaim his policy with regard to the capital and it was not until he sent down his message that his policy was known. The purport of his message was to threaten Victoria that unless the agitation about the question ceased he would advise the Queen to place the capital permanently at New Westminster.

The Council at once took the Governor's message into consideration and Helmcken moved that Victoria be chosen as the capital as the wish of the majority of the people shown by the petitions on the subject. There was much discussion on Helmcken's motion. Many of the members who were opposed to Vic-

4. Ibid - April 1, 1867.
toria said that the Council had no right to ask the Governor to choose the capital, since it was his prerogative alone. DeCosmos replied that "whilst he was not disposed to trench on the prerogatives of the Crown he would say, that Englishmen were everywhere accustomed to see the prerogative exercised in accordance with the well-understood wishes of the people, and not in an arbitrary and despotic manner." Eventually Helmcken's recommendation to the Governor passed by thirteen votes to eight—a majority of the Governor's advisers voting for it. This was the first time that the official members divided.

DeCosmos raised the second question by moving a resolution in regard to the constitution of the Council. There were to be twenty-four councillors, two-thirds to be representatives of the people. The nominated members were to hold their seats at the pleasure of the Crown, the elected members for three years; and the Crown could dissolve the Assembly at any time and order a new election. All members should receive an indemnity. When the debate came up on this resolution, the opposition was very bitter. Some members said the country was better governed without popular members. Robson declared that it was merely a bid for popular favour. DeCosmos said "the

1. British Colonist - April 5, 1867.
2. Ibid - April 1, 1867. Six government, one nominated, and six elected members voted for the motion. Five government, and three elected against.
3. Ibid - Feb. 8, 1867.
4. Ibid - Feb. 21, 1867.
principle contained in the resolution was one which he would continue to advocate so long as he drew the breath of life, in public or in private. The principle had been hallowed by the struggles of the people for ages, and much blood and treasure had been expended ere the principle was established. Every other colony under the British Crown had representative institutions and the conflict would not cease until Her Majesty's government had given up the idea of governing the country from Downing Street." The resolution was defeated fourteen to three.

DeCosmos was also the mover in the question of Confederation when he asked for a committee of the whole to consider the advisability of taking steps for the admission of the province into the Dominion of Canada. This was only a logical step in the policy that DeCosmos had consistently advocated. As early as September, 1860, he was proposing Confederation in his paper. In speaking of the visit of the Prince of Wales, he said, "we want to see some great practical object attained by the visit. We want to see provincial statesmen take advantage of the Prince's visit to initiate British North American policy to put an end to disjointed provinces. Call them petty monarchies or petty republics, or what you please, so long as there is no union of the North American Provinces, there will be few subjects of common interest to bind them to-

1. British Colonist - April 10, 1867.

2. Ibid - DeCosmos, Helmcken, and Smith were for it.

3. Feb. 27, 1867.
gether. They will lead a humdrum life as subordinates of the Colonial Office. They will possess no field for the expansion of their intellect. There will be no rallying points around which united British North America may gather. The press and the people will be confined to the frivolous politics of petty provinces. And without any union, fifty years hence the political movements of Vancouver Island will attract no more attention in the sister provinces than it does at present.¹

Again about a year later, in his paper he referred to federation. "The advantages of a Federal Union, politically, and commercially, can scarcely be estimated at present. The petty politics of disjointed, disconnected Provinces will disappear. Politics will take a more elevated station. The United Provinces, instead of being racked by petty political questions, would have to deal with subjects affecting a population of four millions. Their public men could aspire to an almost national position, before which the highest prize of colonial politics at present would appear contemptible. We can expect no aid from England for any local purposes, but if the Provinces were united, no doubt provisions would be made to admit the Pacific colonies into the Confederacy, on the basis of population, and when admitted we would be entitled to our share of the general revenue, and would enjoy all the advantages of being an integral portion of a confederacy numbering four millions of inhabitants."²

¹ British Colonist - Sept. 6, 1860.
² Ibid - June 14, 1861.
Again, in 1865, in discussing the question of a new constitution for the Council of Vancouver Island, he linked Confederation up with it. He said that they must prepare themselves for Confederation, by changing their local institutions to suit the wider needs.

With all these actions behind him, it was not surprising that now Confederation seemed a certainty for the Eastern Provinces that DeCosmos should bring the matter up in the Council. The resolution put before the Council requested that the Governor telegraph to Her Majesty's Government and the Governor of the Canadas "the desire of the colonists to be included in the scheme, so that provision might be made for our admission by the Imperial Act, on fair and equitable terms as may be agreed upon." DeCosmos said there was "no question more important in its bearing on the present and future condition of this country than the one now under consideration. The object the framers of this grand scheme had in view, was to consolidate British interests in British North America, not only for the purpose of mutual policy and advancement, but to prepare themselves for any attempts at aggression on the part of their neighbours." Helmcken supported DeCosmos, although he had no romantic idea about belonging to a big nation. The important thing was immigration and since British Columbia would never be

1. Vide Supra, P. 71.
2. British Colonist - Dec. 6, 1864.
3. Ibid - Mar. 9, 1867.
4. Ibid - Mar. 12, 1867.
settled from the sea immigration must come from Canada. Therefore union must come with either Canada or United States. With union they would get a more liberal form of government, therefore he would be more satisfied to be Canadian than British.

The situation changed, however, when it was discovered that plans for admission of the other colonies had been included in the British North American Act. DeCosmos introduced a new resolution that "such measures should be taken for the immediate entrance into the North American Confederation as had been provided by this Bill already carried through the Imperial Parliament." Many of the members objected to immediate union without any mention of terms as dangerous. DeCosmos said "he certainly had no intention of throwing himself or anybody else at the head of the Confederacy. The resolution expressed no terms. It only expressed the action of the local government. They would of course naturally consider the terms afterwards. It is our interest to enter the Confederacy as soon as possible and not wait for Canada to invite us."

Eventually Pemberton's resolution passed unanimously, "that this Council is of opinion that at this juncture of affairs in British North America east of the Rocky Mountains, it is very advisable that His Excellency be respectfully requested to take such steps without delay as may be deemed by him most advisable to insure the admission of British Columbia into the

2. Ibid - Mar. 25, 1867.
3. Ibid.
Confederation on fair and equitable terms. This Council being confident that in advising this step they are expressing the views of the colonists generally." In a few days the Governor informed the Council that he had placed himself in communication with the Governor of Canada, the Secretary of State and with Sir Edmund Head, Governor of the Hudson's Bay Company.

Meanwhile a Confederation meeting had been held in Victoria at which resolutions were passed in favour of British Columbia's entry into the Confederation and delegates were appointed to wait upon the Governor to urge him to take steps towards this end. Helmcken, DeCosmos and Dr. Powell were on this committee.

Just about this time the agitation for annexation was revived. The Colonist remarked upon it and said it was likely to be successful if Confederation was not consummated. Thus the question of annexation versus Confederation had become a clear-cut issue in British Columbia, not to disappear until Confederation was accomplished. The Colonist pointed out how detrimental it would be to the new federation if British Columbia were annexed to the United States. It would mean losing the Pacific seaboard which was vital if a new nation were to be formed.

4. Ibid - April 25, 1867.
5. Ibid - May 21, 1867.
About this time important despatches came to Governor Seymour regarding Confederation which gave the opportunity for British Columbia to put her request for admission before the Canadian Parliament in August. The Colonist urged the Governor to call the Council and secure its voice on the matter. Everything was favourable at the time—even news from Waddington of the success of the overland railway route. As usual, however, the Governor delayed, showing no interest in the question. It was felt that when the question of British Columbia's entry came before the Canadian Parliament she ought to be represented there. The Governor sent a representative, but he was not a popular choice and he was definitely opposed to Confederation, since he was an official member of the Council, the Colonial Secretary. He did his best in an interview with the Governor-General to show him the impracticability of the scheme.

Meanwhile DeCosmos had paid a visit to the Eastern Provinces, and in August, 1867, he was present at the Canadian Reform Convention where he made a speech on Confederation and reform. He spoke of the desire in British Columbia for Confederation and of the evils it had suffered through conservatism. "I know what it is to struggle, in that remote country, with governors and governments, contending for these inalienable rights and privileges which Englishmen inherit, and which as British Americans, we ought to enjoy. Having for nine long years battled against combinations, against incorporated com-

2. Ibid - Oct. 11, 1867.
panies such as have held in chains a vast portion of British Amer-1
ica, and against governments, often standing almost alone with few to sympathize, I know what these things are." He then spoke of having struggled for union, and of having won it, and of having brought in the resolution in favour of Confederation. He spoke of the Governor communicating with the Canadians and evidently still had faith in his good intentions to forward Confederation. He said that the great distance should not be an obstacle. California was just as far away when she entered the States; "and I ask, are British Americans less enterprising, less daring than our American cousins? If the people of the United States can govern a territory on the Pacific Ocean, why cannot the four millions of British Americans do the same thing?"

Throughout his tour of the Eastern Provinces, DeCosmos impressed upon the people the importance of accepting British Columbia when she was willing to enter. When he returned home he discovered that British Columbia, however willing and ready she had been, had been frustrated by her Governor, who had not communicated by telegram with the Canadian government, although he had declared that he had.


2. Ibid.

3. Ibid - Jan. 31, 1868. Tilley to Seelye, Jan. 22, 1868. "The Canadian Government has no proposition before it from either the government or the people of British Columbia."

4. Vide Supra, P. 106.
At once a meeting was held in Victoria, twelve months after the Council had passed its unanimous resolution. This meeting was called by the Mayor, Trimble, at the request of some fifty people. DeCosmos moved the first resolution, declaring that the inaction of the Governor made this meeting necessary. He remarked on the fact that in the Dominion Government there was no such thing as irresponsible government and if British Columbia entered Confederation she would not suffer it either, while at present the people had no voice in legislation. "It is 'manifest destiny' that this colony shall within two years become part and parcel of the great Dominion." A telegram of Tilley's was read to show the Dominion Government's opinion of the matter, and then the meeting proceeded to pass resolutions expressing their views.

To show that the overwhelming majority of the people of the colony were for Confederation, the resolutions pointed out the different manifestations in favour of it, which had appeared within the last year. They also did not neglect to show the other side of the picture, the group of annexationists and office holders who opposed Confederation, and they pointed out that these people exerted a great deal of influence; particularly when backed by the power of the Governor who had shown his opposition by refusing to send a telegram to Ottawa. Since the Legislative Council was predominantly official, it could not be

2. Ibid - Tilley to Seelye, Jan. 8, 1868. "I think the Canadian Parliament will be ready to consider any proposition from British Columbia at once. See Act of Union."
relied upon to further Confederation, consequently the only truly popular institution, the city council of Victoria which "represented the views of a large majority of the population of the most populous and influential section of the colony" must take the initiative, "and it asked the Dominion to take immediate steps to bring the colony into the Confederation by asking Her Majesty's government to instruct Governor Seymour immediately."

The terms they asked were Dominion liability for the public debt of $1,500,000; also liability for the officials by placing them in the federal service or by providing them with pensions. They asked for a fixed subsidy per capita and a subsidy for the expenses of the local government. Powers of taxation were to be reserved to the province and responsible government was to be given. The essential condition was a transcontinental wagon road to be finished within two years. These resolutions were signed by Trimble, DeCosmos, Powell, Findlay, Wallace and Seelye. They received an answer within a month that the Canadian Government wanted union and that it had opened communications with the Imperial Government. The answer suggested that the Legislature take immediate action to pass an address to Her Majesty requesting union.

While waiting for the Council to be summoned, De Cosmos educated the public in the next few weeks as to what Confederation really entailed, by means of a series of able letters to the Colonist during the month of February, 1868.

2. Ibid - Tilley to Seelye, Mar. 25, 1868.
The Council finally met in March after the Governor had delayed as long as it was legally possible. The same questions of importance were before it, the removal of the capital, the change in the constitution, retrenchment and Confederation.

The question of the capital had not been neglected in the recess. Memorials had been presented by prominent citizens and meetings had been held. The pressure brought to bear on the Governor by these manifestations, led by the Home Government, made it certain that the Governor could not neglect the question. He left it to the vote of the Council and the official members were free to speak their opinion. It was decided by a vote of fourteen to five that the capital should be removed to Victoria, after an attempt to reimburse the New Westminster landholders and after an amendment that it was inexpedient to remove.

When the estimates were brought down, although they were reduced it was still at the expense of public works and education, while the salaries were those of a colony twice the size and age of British Columbia. Pemberton therefore moved a series of resolutions protesting against the estimates, seconded by DeCosmos. These declared that the expenditure of the colony was out of all proportion to its resources and small population. A rule had been laid down by the Secretary of State

for the Colonies that expenditure for a current year should equal revenue, calculated on the actual average expenditure of the last two years. By figures the resolutions showed that this had not been done with these estimates. There was no provision for public works, therefore the reductions must be through a curtailment of the officials, and this could only be done by the Executive and not by the Legislative Council. This protest was signed by several of the popular members. The estimates passed as usual.

The question of a change in the constitution came up before a small house of nine members. DeCosmos moved that the Governor be requested to cause to be introduced into the Council an ordinance making two-thirds of the Council elective, to meet the generally expressed wishes of the colony. The motion was carried by the casting vote of the chairman, Young.

The question of Confederation had reached this stage, that the people were almost unanimous in favour of it, except for a few annexationists, while the Governor and the officials were actively opposed to it. There was a great deal of discussion of the question in the papers, with DeCosmos upholding Confederation in letters to the Colonist. There were some replies to these letters, opposing Confederation principally because DeCosmos was supporting it. Some were afraid of Confederation.

1. Despatch No. 23, April 30, 1866.
2. British Colonist - April 28, 1868.
because, if it came about, DeCosmos might be made lieutenant-governor. In discussing this, one writer to the Colonist said, "they would sacrifice the best interests of the colony to gratify their spleen against a political opponent, they would stick to the skin and go down with the wreck rather than go into the boat alongside, because Mr. DeCosmos already occupies a seat there."

The annexationists at this time were encouraged by the action of Mizner of the California Legislature who moved a resolution opposing the connection of British Columbia with Canada and expressing the opinion that the province should be the property of the United States.

The Anti-Confederation people circulated a petition which secured one hundred and sixty signatures in a population of four thousand in Victoria. The Governor said he would forward it to the Secretary of State, with respectful comments. He said, "great as must be the desire of us all to see a road made in British territory across the continent of America, and immigration settling into British Columbia by the nearest way from the mother country, the practical difficulties of carrying it out are very considerable." In forwarding the petition for delay, the Governor had definitely shown himself to be against Confederation. He had not done what the Council had

2. Ibid - Feb. 12, 1868.
3. Ibid - Feb. 18, 1868.
4. Ibid - Mar. 9, 1868.
asked him to do with regard to their resolution, yet he forwarded the petition of an unrepresentative body of Victoria. He even said "that Confederation is seized upon by a disheartened community longing for a change of any kind."\(^1\)

In the Council DeCosmos moved for the production of all the correspondence relating to the admission of the colony into the Dominion. The motion was seconded by Helmcken. The Governor refused to give the correspondence and gave the definite impression that no official correspondence had been carried on.

DeCosmos was not to be frustrated and he moved an address to the Queen, seconded by Stamp, since this was one of the provisions of the British North American Act required for the entrance of British Columbia. The terms he asked were similar to those of the meeting in January. An official member, Wood, amended this to declare that the Council confirmed the vote of the last session in favour of the general principle but they were still without sufficient information and experience of the working of Confederation to admit of their defining the terms under which British Columbia could enter advantageously. The amendment was seconded by Ball. DeCosmos was angered at the Council advocating delay and wanted to withdraw his motion, but the President said that the amendment must be voted on first. It was carried by a vote of twelve members to

3. British Colonist - April 7, 1868.
four. Helmcken's speech on the resolution is noteworthy. "What had England ever done for this country, that we must be forced to carry out her particular views in relation to ourselves? Such a course of procedure would never have been attempted towards the Canadian Government. England had given us nothing but a flag. There was the writing on the wall, and there could no longer be any doubt of the destiny of British Columbia." 2

Meanwhile the question of the intervening territory came up for consideration in the Dominion house and this delayed the matter of the admission of British Columbia. Further legislation on the territories was necessary. The Governor-General, however, sent a despatch to the Colonial Secretary recommending the home government to instruct Governor Seymour to ask the Legislative Council to take further steps in the matter. 3

Although there could be no legislation for the time, the Confederationist were not idle, but began to organize a league to secure the immediate admission of British Columbia into the Dominion, on terms equitable and expedient. They also wished to obtain without delay representative institutions with responsible government. DeCosmos was a member of the committee 1.

   British Colonist - April 27, 1868. Against the amendment, Robson, Walkem, Stamp, and DeCosmos.
2. Ibid - May 1, 1868.
3. Ibid - May 20, 1868.
4. Ibid - May 23, 1868.
of this league in Victoria. The intention was also to extend
this league over the colony.

The Confederation League decided to hold a convention
at Yale to discuss the question of Confederation and the exist­
ing government. Among the delegates from Victoria was DeCosmos.
When it met, DeCosmos was placed on the committee on business.
It adopted the terms for Confederation that had been advocated
in the Legislative Council and at the meeting in January, but
the condition of a free port was added. The Legislative Coun­
cil was denounced and responsible government was advocated as
the only remedy. DeCosmos said "that all governments should
exist by the free and just consent of the governed and that the
Government that does not exist by the free and just consent of
the governed is a despotism." The extravagant civil service
was also attacked. These resolutions were given to the Gover­
nor in the form of a memorial signed by Wallace, DeCosmos and
others. The Governor in forwarding it to London wrote one of
his characteristic letters. He said that some of their resolu­
tions would be put before the Council but that the matter of
Confederation did not rest with the so-called convention. He
did not see a clear way towards responsible government but it
was likely that it would be brought up at the next session of
the Council. He did not say that he would bring it up. On the
question of extravagance he had not incurred the debt, nor had

2. Ibid - Sept. 18, 1868.
3. Papers - On the Union of British Columbia with
he ever appointed any official higher than a constable. "If we were free from debt our finances would be in a flourishing condition" was the gem of his letter.

In Victoria, at this time, the annexationists were becoming more powerful, and an anti-Confederation document appeared, repudiating the Yale Convention and the city delegates. This document was signed by various sections of the people, headed by Helmcken. There was also one from the foreign residents expressing the same sentiments. The Colonist, however, congratulated the members of the Yale Convention on having done their duty.

New elections for the Council were held shortly after the Yale Convention, and the anti-Confederates used their opposition to the Convention as a political cry against DeCosmos and Powell. Helmcken and Drake in Victoria City and Dr. Davie, an Englishman and Anti-Confederate, in Victoria District, ran as candidates against Confederation, while DeCosmos and Powell tried to keep Confederation out of the election, as not practicable at the moment, since the government had not opened negotiations. Helmcken and his followers knew that their only


British Colonist - Sept. 21, 1868.

3. Ibid - Sept. 25, 1868.
hope to defeat DeCosmos was through insisting that he was running as a Confederation candidate at a moment when Victoria seemed definitely against it.

Burnaby, in one of his political speeches, said that it "would be found to the interests of the people to send to grass the old political hack Mr. DeCosmos, till Confederation came to comfort him." 1 Drake accused him of "being a bachelor, a waif and stray upon the political horizon whereas he had given hostages to society in the shape of children." 2 Helmcken accused him of selling the colony at eighty cents per head. DeCosmos retaliated by accusing him of being the Hudson's Bay nominee and said it was better to sell the country to the Dominion than to the Company. 4 DeCosmos came in for a great deal of criticism when he said that Confederation "was dead and buried." He explained this phrase as meaning that at this election it was not an issue and could not be one until the North-West territory was purchased.

He contested his election on three policies, representative institutions, responsible government, and retrenchment. He was not in favour of precipitate Confederation, without favourable terms, but would let the question rest until the

2. Ibid - Nov. 2, 1868.
3. Ibid.
5. Ibid - Feb. 22, 1869.
territories were purchased, and then negotiate with Canada. Meanwhile to ensure that they would be able to negotiate on equal ground with Canada, they must have reform "to prevent the pliant tools of irresponsible rulers from being selected to misrepresent the feeling of the country." "The people should select men to represent them who are neither trimmers, nor turncoats, neither factious nor vacillating, neither purchasable at the cost of a dinner nor silenced by the allurement of personal aggrandizement." He remarked on the feeling of disgust that must arise in peoples' minds when they compared their lack of representative institutions with the freedom in the neighbouring States. He said "it is a most humiliating position for British subjects to occupy--so degrading indeed to our sense of manhood, so contrary to our inalienable right to self-government, that were we not fully convinced that Her Majesty and her Imperial advisers have been misled or induced by the misrepresentation of two Governors, aided and advised by their respective Executive Councillors, to withhold Representative Institutions, we would be justified in repudiating entirely and refusing to act a part in the solemn farce of selection and in appealing to that higher law dictated by right, reason and justice."

It is impossible to say how the election would have gone with a fair vote since Helmcken and his official friends

2. Ibid.
3. Ibid.
were able to persuade the Governor to issue a proclamation for the sheriff to alter the franchise in the Victoria and Esquimalt districts. Instead of the old qualifications that voters must be British subjects of a certain amount of property, the franchise was extended to all residents except the Indians and the Chinese. There was no registration and no oaths at the polls. The result was obvious. With all the Americans voting, DeCosmos and his colleagues, forced to run on the Confederation platform, against their own wishes, were easily defeated.

After the election excitement was over a petition began to be circulated which provided an excuse to have Governor Seymour return to England and to have Sir James Douglas take his place. DeCosmos objected and said that although he did not admire Governor Seymour, "much of the odium that attaches to Governor Seymour's administration is a natural consequence of the acts of omission and commission of the administration of Sir James Douglas." The removal of Governor Seymour would do no good; it was not a change of governor but a change of government that was needed.

When the Council met in the latter part of December, DeCosmos was absent from legislative work for the first time since 1863. The Governor's speech showed definitely that he


was opposed to Confederation. He also made rather slurring remarks about responsible government. However, he condescendingly promised some change towards more representative institutions. The members opposed to Confederation did not hesitate to take advantage of the Governor's avowed opposition to move a resolution to consider Confederation. The minority in favour of it tried to prevent this debate since it would be merely "a round-about way of the official members showing their dislike for loss of their salaries." Their opposition was useless, however and a motion saying "this Council, impressed with the conviction that under the existing circumstances, Confederation is undesirable even if practicable, urges the Imperial Government not to take any decisive steps towards the present consummation of such a union," passed by a vote of eleven to five. The Colonist blamed the lost Confederation cause on the ridiculous demonstration at Yale, absurdly called a convention, and to the shameful abandonment of the cause by one of the Confederation candidates at the recent election.

The minority in the Council protested against the debate on Confederation, since it had been conceded that it was impossible until the North-West territory was purchased. The Council did not represent public opinion since all the mainland

1. British Colonist - Feb. 6, 1869.
2. Ibid - Feb. 19, 1869. Against, Walkem, Have-lock, Robson, Carrall and Humphreys.
3. Vide Supra, P. 117.
and a large minority of Vancouver Island were unanimous in favour of Confederation, on fair and equitable terms, at the right time. The majority protested against the protest, led by Helmcken. They declared that the Council had a right to discuss what it pleased. This was the first meeting after an election fought on Confederation, and the Governor had brought up the question in his speech, therefore it was necessary to show the change in the Council.

Before the middle of 1869, news was received that the territories were to become part of Canada, thus removing the brest obstacle to Confederation. At once the Dominion Government became active in furthering British Columbia's entry. The first step was to replace the Governor by one in favour of Confederation. While Sir John A. Macdonald was writing in favour of Musgrave, Seymour died. His place was immediately taken by Musgrave, and it might be said that Confederation had become a practicable certainty. The two greatest obstacles to it had been removed, the intervening territory was now part of Canada, and Governor Seymour had been replaced by an advocate of Confederation.

The other obstacles, the annexation movement and the attitude of the officials, were still to be overcome. To win over the officials it was only a matter of assuring them their positions when Confederation came about. Musgrave promised them that the magistrates would be placed in the Dominion government service and that the officials would be pensioned. Af-

ter that there was no danger that they would vote against Confederation.

The annexation question was more difficult. There was a strong party in Victoria, composed largely of Americans, but with a considerable sprinkling of Englishmen who were very influential. Such men as J. D. Pemberton and Dr. Helmcken could not be ignored. A petition was circulated which received some fifty signatures, ten of which were British. This petition was circulated with the purpose of sending it to the President and of requesting him to take steps to acquire British Columbia. It was presented to President Grant by Vincent Collyer. Rumours also were circulated that England was considering ceding the province to extinguish the Alabama claims.

Pemberton wrote letters to the Colonist, quoting from the London Times, which declared that the Imperial Government would not prevent British Columbia from joining the States if Confederation proved impossible. Again one of the American Senators, Corbitt, introduced a resolution favouring the annexation of British Columbia since so many American citizens lived there. This resolution was referred to the Committee on Foreign Relations. For the time annexation had the upper hand in Victoria, but it was the swan song of the movement. The mainland was definitely for Confederation and the majority of the island, outside of Victoria. It was merely a matter of the Gov-

1. Howay, Judge F. W. - B. C.'s Entry into Confederation.
2. Sage, Walter N. - Annexationist Movement in B. C.
error calling the Council and putting the terms before them.

Meanwhile there was a vacancy in the Council for Victoria District, due to the death of Dr. Davis, and DeCosmos entered the field as a candidate. He was running in an agricultural district which feared the competition of outside produce. DeCosmos, in his platform, promised his supporters that he would ensure the continuation of the British Columbia tariff, protecting farm produce, which he had helped to bring about, or he would secure some other than the Dominion's if Confederation were secured. The Colonist criticized him for his turncoat policy, particularly on the question of American reciprocity, which if secured would ruin the farmer and yet which he had always advocated. The Colonist's argument was that reciprocity would mean free trade in all articles but it is possible that it would have been of the same type as that of Eastern Canada had been.

Notwithstanding the criticism of the Colonist, the people of the island constituencies were enthusiastically in favour of him. "DeCosmos, from his long political career in this country, ought to be and in our opinion is, well qualified to watch over the interests of this country during the negotiations likely to take place, pending the admission of this country into the Canadian Dominion."

The campaign was one of personalities between the Co-

2. Ibid - Nov. 14, 1869.
lonist and DeCosmos, with the Colonist printing many letters ac­
cusing DeCosmos of never keeping his political faith, of being
clever, but always going wrong because he thought only of his
own ambitions. On the other hand DeCosmos accused the Colonist
of merely printing these accusatory letters to force him to ad­
vertise in the paper, which he said was too expensive, a state­
ment which the Colonist disproved.

At any rate DeCosmos was elected, although undoubtedly
the Colonist came out the better in the quarrel. It can not be
denied that DeCosmos was unnecessarily rash in some of his cri­
ticisms and it is quite possible that if a strong candidate had
run against him, with the backing that the Colonist was willing
to give, he would have been defeated. As it was, he won on Con­
federation in a district which was strongly for it.

In February, Governor Musgrave opened the session of
the Council. His speech showed that he was to be the leading
spirit in making terms for Confederation. He was not in favour
of responsible government, or of letting the people decide fi­
nally in the matter themselves. It is not surprising that he
took this view of the question considering how badly the Coun­
cil had managed Confederation under a weak Governor. It was a
great disappointment to the advocates of responsible government,
however, to hear in the opening speech that "complicated ques­
tions, conflicting interests and divergent political opinions
all demand consideration, and practically upon them in many res­

pects the decision must be mine.¹

He outlined the terms of Confederation in his speech. Canada should assume the colony's debt and five percent interest should be paid to British Columbia on the difference between its actual debt and that of the other provinces. The other financial terms were a subsidy and the payment of interest on the loan for a drydock. A survey for the railway should be made at once and building should begin in three years with a million dollars a year spent on it. Meanwhile a wagon road should be built in three years. The Federal government should pension off the present officials of British Columbia. There should be steam communication with San Francisco. Finally British Columbia should enjoy all the immunities that the other provinces enjoyed.²

Before calling the Council Musgrave had appointed Helmcken and Carrall to the Executive Council to represent the unofficial members of the Legislature. DeCosmos objected to the appointment of Helmcken since he was opposed to Confederation, and yet sat in a Council which was fostering terms of Confederation. Helmcken declared that he was still free to oppose Confederation since the terms were merely on paper. If unfavourable terms came from Canada, he said it might be his duty to resign.³

DeCosmos objected to the Governor's speech because of

¹ British Colonist - Feb. 16, 1870.
² Ibid.
³ Ibid - Feb. 20, 1870.
its opposition to Responsible Government and he said "the people of this country aspired to and had the capacity for self-government. It would be a difficult matter for the government to try to cram Confederation down the throats of the people if it were not to be a government by the people and for the people." In furtherance of this belief, DeCosmos moved for a committee to outline a constitution for the local government. He said, "in view of the apparent prominence of union with Canada, and in view of the paramount necessity for loyal and cordial co-operation on the part of the people of this colony with the government of Canada in working out the institutions of the Dominion in case of such union, and with the object of avoiding changes in the constitution of the colony after union to the injury of industrial questions," he moved that a committee be appointed to consider and report on a constitution. This motion was seconded by Humphreys. The matter was postponed until after Confederation was discussed, even though DeCosmos said it was dangerous to secure Confederation without responsible government.

An attempt was made by the popular members to reduce the estimates. After much discussion Barnard moved a resolution on retrenchment, which among other things declared that the Council was powerless to effect reductions once the estimates were framed, and suggested such reductions could only be effected by the Governor repealing the Crown Salaries Act. DeCosmos moved

2. Ibid. - Feb. 19, 1870.
3. Ibid. - Feb. 24, 1870.
an amendment which declared that it was the representative members, not the Council, that were powerless. His amendment was defeated, and he then voted against Barnard's resolution which was also defeated. He was severely criticized for his action in not supporting retrenchment when he had been one of the most consistent supporters of it until then. Someone said, "DeCosmos was never known to support anything—however good—unless he introduced it himself."

As soon as the estimates were disposed of, Crease, the Attorney-General brought in the government terms for Confederation. These were seconded by Trutch. Helmcken opposed them as not opportune. The colony was coming out of its despondency, and at any rate the United States would eventually absorb Canada. The suggestion was, that consequently British Columbia might as well annex herself to the States now as later. Drake moved an amendment that the question be postponed six months and Ring seconded it. Robson asked how could Helmcken complain that the question of Confederation came from the Executive Council, instead of being an open one, when he himself was a member of the Executive. He also asked whether, as an Executive Councillor, he was giving the choice between two roads, Confederation and annexation.

The next day DeCosmos spoke to the motion, saying that the Council was engaged in nation making, a task with which he had been occupied since he entered politics in the colony. He

2. Ibid - Mar. 10, 1870.
objected to the official members speaking of Confederation as though they had always been in favour of it. He described the true history of Confederation in the colony and of the agitation for it, showing that it was the people who had fought for it while the officials had been against it until their positions were assured them. He completed his speech by declaring that "if Confederation did not protect the interests of farmers, he would oppose it."

DeCosmos spoke again on the financial terms in the committee on the terms. "With respect to Confederation, I have ever looked at it from one point; it must have a money value. A great deal has been said about the form of government--about Responsible Government--but I say this: that every government, whether responsible or irresponsible, must have money. It is impossible for the most perfect political system to move without it." He moved an amendment to the financial terms that the basis of population should be forty thousand instead of one hundred and twenty thousand; that the subsidy be $80,000 instead of $35,000; that the eighty cents per head on the population be increased pro rata until the numbers reached one million, and that the temporary subsidy of $150,000 per annum be reduced from time to time when the population exceeded forty thousand. He then made an appeal for honesty regarding the financial terms. The importance of the question warranted lofty sentiments and

2. Daily Standard - June 20, 1870.
 accurately and genuine political standard." DeCosmos's amendment was lost, but Drake's that the subsidy be $75,000 passed.

On the railway terms, DeCosmos was against asking the Dominion for so much, since it would be an impossibility. He felt that material union was practical without a railway. The important thing was, not to have a railway across the continent, but to have railway communication in the interior of British Columbia. He therefore moved a recommendation "that the construction of a railway from steamboat navigation on the Fraser River to Kamloops Lake be inserted in the terms, instead of commencing from the initial sections on the seashore of British Columbia." This was lost.

On the question of Responsible Government, Humphreys moved that it be inaugurated into the colony whether it was admitted into the Dominion or not. DeCosmos favoured this resolution rather than Robson's which asked for self-government simultaneously with the province's entry into Confederation. Both the amendments were defeated.

On the question of the tariff, DeCosmos moved an amendment that British Columbia's tariff be kept as high on foreign produce and manufactures whether the Canadian customs re-

1. Daily Standard - June 20, 1870.
2. Yeas, Drake, Humphreys, Wood and DeCosmos.
5. Ibid - Mar. 20, 1870. For first, Drake, Ring, DeCosmos, Humphreys. For next, Robson, Barnard and former.
quired this or not. Helmcken's motion that the agricultural, horticultural and dairying interests be protected was passed, but the proposal of DeCosmos to consider the manufacturing interests also was defeated.

Robson moved a resolution that the tariff of Canada should not be extended over the colony until the railroad should be completed, and this was lost with DeCosmos voting against it. DeCosmos moved a resolution to admit into the colony or some portion of it certain articles not produced in the Dominion or the colony, provision for this being included in the terms. Robson amended this to include in the terms the right of the Legislature of British Columbia, any time after admission, to pass an address to the Governor-General, declaring the expediency of a free port on the Pacific. Robson's amendment was lost, with DeCosmos and Humphreys voting against it. Robson accused DeCosmos of voting against it because he did not propose it himself and said he was inconsistent since at the Yale Convention he had advocated a free port. DeCosmos said that he had always been for protection since he came to the colony. He had allowed the free port to go into the terms at Yale to soothe Robson's injured feelings over the Assay Office at New Westminster. He had no objection to the free port being included as one of the terms of union, but he did not want to

2. Ibid - Mar. 25, 1870.
3. Ibid.
DeCosmos moved that "Canada shall purchase the Territory of Alaska, if possible." DeCosmos felt that Canada must have a compact territory to the north as the United States had to the South. Alaska was similar to British Columbia and was near to her. The United States was tired of her bargain and would probably sell it cheap. Now was the time for Canada to buy an extended frontier on the Pacific Coast. Robson moved also to include Maine in the purchase. These resolutions were left out in the final passing of the complete terms, March 25, 1870.

On April 6, the House went into committee on the question of providing the expenses of a delegation to Ottawa. Those chosen were Trutch, Carrall, and Helmcken—two of these were recent converts to Confederation while Helmcken was still an opponent. DeCosmos felt that a people's delegation should also be sent as this one was not representative.

A public meeting was held regarding this question of popular delegates to Ottawa to further responsible government. Beaven moved that unless responsible government was granted with Confederation the latter should be delayed. Responsible Government should be a sine qua non of Confederation. The people had no confidence in the government delegates. DeCosmos spoke in

2. Ibid - P. 154.
4. Ibid - P. 159.
favour of this resolution also. Humphreys supported it, declaring that he had no confidence in the government, and he made his notorious speech which caused his suspension from the House for libellious language. The "Council as at present constituted was an infamous rascally arrangement—and he would do all he could to break it up." He also attacked the land office and the officials in general.

Walkem, in the Council, criticized Humphreys's speech as improper and slanderous. DeCosmos said that, although his language was intemperate, it was not sufficiently serious to be questioned in the House. He admitted the right of the Council to question the matter but did not consider it politic to consider contempt outside the House. Eventually Humphreys was suspended by the Governor, waiting Her Majesty's pleasure. He was reinstated by the Imperial Government.

Along with the government delegates to Ottawa went Mr. Seelye as the special correspondent of the Colonist and as the people's delegate to secure responsible government as one of the terms of Confederation. The terms were agreed upon finally and the Colonist notified on the seventh of July. They were in most respects those of the Legislative Council, except that the financial terms were different. The population of British Columbia was taken at sixty thousand and the subsidy was to be $35,000 and eighty cents per head on a population up to four

1. British Colonist - April 12, 1870.
2. Ibid - April 14, 1870.
hundred thousand. To make up the difference in money the Do-
minion government was to pay the British Columbia government for
a grant of land along the railway at the rate of $100,000 a
year. Moreover responsible government was included in the term
terms, to become law when the inhabitants desired it, and the
government of British Columbia was given authority under the
Secretary of State for the Colonies, to amend the existing con-
stitution of the Legislature, by providing that a majority of
the members should be elected. The province was given the option
of accepting the Dominion tariff at once or of keeping the Bri-
tish Columbia tariff until the railway was completed.

Meanwhile DeCosmos had re-entered newspaper circles,
as editor and proprietor of the Daily Standard, the successor
to the Evening News. He declared his policy of supporting Con-
federation if the terms were satisfactory to the people. He
was rather critical of the practicableness of the railway, how-
ever, and in his discussion of this question came in for a great
deal of criticism from Robson of the Colonist. The entire sum-
mer was spent by the two editors in criticizing each other's
policy and accusing each other of apostacy, when other matters
of interest were lacking.

DeCosmos did not hesitate to accuse Governor Musgrave
of being a despot. "Though theoretically the servant, Governor
Musgrave is practically the master. The only local power to re-
sist an abuse of his despotic sway is the press and public opin-

2. Daily Standard - June 20, 1870.
We are one step and one only, above the lowest form of civilized government—a military Despotism. Has he reduced the number on the official Roll? No! And apparently has no intention to do so. Now if there is anything to redeem Governor Musgrave from mediocrity we hope it will be Confederation. On this question, however, he has wasted a year of our lives."

He advocated responsible government in his paper. "Everybody is tired of the present government. One object that we shall have in view will be to urge an immediate change of the system in order to bring the majority of the people in accord with the Government so that the majority may cherish the government of the day as their government, and that the government may feel that they belong to the people, and not that the people are the property of the government. To effect this much desired object, we shall be prepared to act with men of all shades of opinion, irrespective of old issues or present political relations, so as to reduce to order the chaotic political elements of the country, and to create a party with large views based on broad principles—a party possessing the capacity to give force, vigour, direction, weight and influence to a popular, a people's Government."

Robson criticized DeCosmos's idea of responsible government as party government and the seeking for office and patronage. He hoped that it would be worked out in the first instance free from party. It seemed to be the misfortune of Bri-

1. Daily Standard — June 20, 1870.
2. Ibid.
tish Columbia that her public men, with few exceptions, could not see that party government was a necessary requisite of responsible government.

When the terms of Confederation were made public, DeCosmos at once began to agitate for the proclamation of the new constitution and when rumours began to gain ground that the Council was not to be wholly elective, he blamed the Governor. "What can be the grounds for refusing to the people the right to possess a Legislative Council that shall be entirely elective? Is it anything more or less than the possessors of power retaining and refusing to restore to the people their rightful share of power in the Government of the country?"

DeCosmos criticized the illiberal franchise, letting only British subjects vote at the next election. He suggested that aliens five years in the country should be given a vote. He also feared that unless the members elected to the new Council were pledged to get a more liberal franchise for the federal house, than that of the Dominion government, that practically the whole of British Columbia would be disfranchised.

About this time the cry appeared in Victoria for the terminus of the transcontinental railway to be situated at Esquimalt. DeCosmos backed the proposal, much to the disgust of Robson, who regretted the sectionalism of the policy and who also accused DeCosmos of inconsistency. The controversy over the question continued for a short time but eventually at a public

2. Ibid - Aug. 13, 1870.
meeting it was decided by a resolution of DeCosmos's that "in the opinion of this meeting a railway ought to be constructed between Victoria and Nanaimo, as a part of the Transcontinental Railway." This was seconded by Dr. Tolmie. The question of joining this railway to the mainland was left to the Canadian engineers who could decide on the best water route.

About this time, October, the constitution was published and preparations were made for elections to the new Six by Nine Council. DeCosmos bitterly resented the partial liberty that had been granted. "We have no thanks to offer Governor Musgrave and his Executive Councillors for the new constitution that has been foreshadowed by the Imperial act. We look upon their conduct in recommending such a Constitution to the Imperial Government as being incapable of justification. Both he and they withhold the full power that ought to be granted to the people; and the modicum of liberty that is now about to be granted will produce no gratitude anywhere in the country. Our liberty was unjustifiably taken away, and its partial restoration now will not make the agents of arbitrary power one whit more respected than when they exercised despotism to the fullest extent. The people of British Columbia are not spaniels to lick the hands of those who kicked them." DeCosmos ran in Victoria District where he was nominated by Dr. Tolmie, and he was returned by acclamation.

The Governor opened the House on the fifth of January,

and in his opening speech recommended the passage of an address to Her Majesty praying for admission into the Confederation on the terms proposed. He then declared that he was prepared to introduce a bill giving a more representative body. The speech also referred to the tariff, taxation and the estimates.

The time of the House was first allotted to the estimates so that the question of Confederation was not brought up until January 21, when the Council, in committee of the whole, passed an address to Her Majesty asking for admission into the Dominion of Canada. Helmcken then moved a resolution to provide for connecting Victoria and Esquimalt with the Pacific Railway. This was carried by a vote of eight to two.

On January 31, the bill to give the power to alter the constitution of British Columbia to suit responsible government was introduced. It was finally passed on February 6. In considering the bill for altering the constitution, there was a great deal of discussion over the qualification for voters. De-Cosmos objected strenuously to placing the question on a money basis as was being done. "The qualification of voters is the only thing in the Bill that marks the silly conservatism of its framers; and that betrays their political stupidity in measuring out political rights on a mere money basis, as though honour, patriotism, intelligence and manhood were indissolubly allied.

with dollars." "Our parvenu aristocracy, most of whom might take a mushroom for a coat of arms, ape political superiority, when the whole history of the country is an undoubted proof that any progress that the country has ever made, has been in opposition to this depreciating class."

The question which caused the most discussion and the one which DeCosmos opposed most strongly was the permanent Civil List Bill. DeCosmos said "the bill virtually perpetuates two classes in the country, secured officials on one side, and the people distrusted on the other." DeCosmos, seconded by Nelson, moved an amendment to alter the bill so as to exclude all but the heads of departments' salaries, but this was defeated.

A meeting of the people of Victoria was held to protest against the Bill at which DeCosmos spoke. "The Civil List

2. Ibid - Mar. 1, 1871.
   1. Payable every year out of the general revenue, not exceeding $78,346.25 to defray expenses of various services enumerated.
   2. Payable for each while the incumbents, at the time the act comes into operation, remain in office.
   There were 57 items and 61 persons. It was repealed April 11, 1872.
Act is a deliberate attempt on the part of our rulers to make fifty-odd officials independent of the people. In doing this a great principle of the British Constitution has been violated, namely, the right of the people to control the public purse. Instead of violating one of the oldest and soundest constitutional principles of the nation in order to benefit the few, it would have been more manly to have passed an act to provide pensions or compensations at the expense of the colony, for all officials whose salaries might be cut down, or might be removed. What we want is government based on the popular will—a government that will respect and maintain its officials as its agents to execute its decrees, but not to be subordinate to its paid servants. Such a government this colony cannot have till the Permanent Civil List Act shall have been repealed.\(^1\)

Meanwhile in the Dominion House, Sir George Cartier moved the House into committee on the resolutions for the admission of British Columbia. After some discussion, they passed the House of Commons by a majority of eighteen and the Senate by a majority of seventeen. On the twentieth of July, 1871, British Columbia became part of the Dominion of Canada.

Confederation which had first been put forward in legislative circles as early as July 22, 1866, by DeCosmos, now July 20, 1871, had become a fact. Throughout that time DeCosmos had been active in his support of the project. In 1867 and in 1868 he had brought forward resolutions in favour of it in the Council. In the fall of 1868 he attended the Yale Conven-

tion which advocated Confederation. In the elections of that year he was defeated by the foreign vote of Victoria because of his support of Confederation. Again in late 1869 he was elected to the Council which under the guidance of Musgrave reversed the vote of the previous session, and in 1870 passed terms in favour of Confederation—terms which DeCosmos attempted to amend so that they would be more favourable to the province. Finally in 1871 he was a member of the Council which endorsed the terms of the delegates, moved an address to the Queen, and definitely decided in favour of responsible government.

It might be said that, in 1871, DeCosmos had accomplished the two great aims of his life—he now saw his adopted province as the most westerly link in the British North American Federation. Moreover at last British Columbia had won what was the rightful due of every British colony, self-government. It was the task of the ambitious statesman to work the institution of self-government in the great Confederation.
Chapter V

DeCosmos in the House of Commons.

At the end of the summer of 1871 the new Lieutenant-Governor, Trutch, who had been one of the delegates at Ottawa, returned from England, and soon after issued writs for the elections for the first Legislative Assembly of British Columbia. DeCosmos at once announced his intention of running for the House for Victoria District, which he had represented since 1869. He was nominated by Dr. Tolmie as a "fit and proper person to serve in the Assembly since they were now to have an opportunity to govern themselves." ¹ "He had laboured hard for nearly fourteen years to secure the reforms we now enjoy, without seeking for office, without remuneration, and without any ambition, but simply from a strong sense of doing his duty to the country." ² He was elected as senior member for this district.

He also ran for the federal House as member for Victoria District. On election day he made the customary speech. "He wished to say, that were it not for the amount of abuse heaped upon him, and the opposition offered in attempting to drive him into retirement, in all probability he would not have been a candidate to-day. He had no ambition to go to Canada,--

not in the least—it would never put a dime in his pocket. If he should go there, it would be to endeavour to serve the interests of the Province, he did not intend to go there to serve his own. He considered himself as much a British Columbian as if he were born in the country; and one of his first duties would be to advance the interests of the Province, the next to look to the interests of the Dominion at large." He felt that as a British Columbian he was duty bound to support the government which had done so much to secure the province's admission. This, however, was not a pledge as to what he would do in the future if the opposition showed itself willing to abide by the bargain, "and should new political issues arise, no doubt there would be a division in public opinion here, in the same way as in the other Provinces." DeCosmos was also elected to the Federal House.

It can be seen that he was not neglecting any of the principles or duties which he had advocated or taken up since he entered the colony. He was still running a paper and thus moulding public opinion. He was a member of the Provincial Legislature which for the first time was attempting to work under responsible government. He was a member of the Dominion House where he was to represent the Province in its first attempt to act as a part of the great federation.

From the first DeCosmos opposed Trutch's choice of McCreight as Premier. The Lieutenant-Governor had appointed

2. Ibid.
McCreight as Attorney-General in August, 1871, to replace Alston. McCreight ran in Victoria City and was elected. Then, November 14, 1871, the new ministry was formed. DeCosmos said that if McCreight was Attorney-General at the time of the election then there was no need for him to resign and seek re-election. He felt, however, that he had been merely acting Attorney-General until the new ministry was formed. If this was true, he should have resigned on the broad constitutional principle of allowing the people to say what executive officers should sit in the Assembly. He said, "we view the non-resignation of McCreight—the way in which he has avoided re-election as a sign of weakness and a violation of a well-known constitutional principle." Outside of the legal aspect of the question, it seems strange that McCreight was chosen as the first Premier under responsible government since he had always been an opponent of responsible government for British Columbia on the ground that it was unsuitable to a small population.

DeCosmos issued a battle cry to the Liberals of the Province "to rally round their old leaders—the men who have year after year fought their battles and have in no instance deserted the popular cause. To take any other course is to con-


2. Ibid - Nov. 14, 1871. P. 1. Appointments of Colonial Secretary and Commissioner of Lands and Works. Good, the Imperial Government appointee, had been Colonial Secretary until then.


vict themselves of treason to manhood, treason to the Liberal party, that year by year, for fourteen years have urged Responsible Government, Union of the Provinces, and Confederation with the Dominion. It is no treason, no public wrong to ignore the nominees of Governor Trutch." He begged the party to make no alliance with McCreight's government.

Because of the opposition aroused, McCreight attempted to gain support for his government. Instead of calling a meeting of the people of Victoria to authorize his proceedings, he called a meeting of the election committee, an action which gave DeCosmos an opportunity to ridicule him for substituting a committee for election purposes for the free opinion of the people of British Columbia.

DeCosmos gave the ministry its due in the programme it outlined for the coming session and congratulated them on the progress it showed and the respect for public opinion. He could not, however, forbear from making one thrust. "To ask the country to judge them by the measures that other men have matured and which they have appropriated,—would be like asking one to receive a notorious thief as a gentleman, simply because he presented himself in the fine dressclothes of a citizen from whom he had stolen them."

He did not hesitate to criticize the ministry and the Governor for their choice of Senators for the Dominion." At pre-

1. Daily Standard - Nov. 21, 1871.
2. Ibid - Nov. 23, 1871.
sent we may justly say that we will not have a single senator on the side of the people,—not a single one who can point the people to his political record and say, there are the measures I laboured for and won for you, and I accept the senatorship as your representative and as my reward. The result is due not to the Ottawa cabinet, but to Governor Trutch and his ministry, and the latter must be held responsible."

DeCosmos was criticized by the Colonist for his opposition to the government and it called him the Political Chameleon because he had opposed all governments from Governor Douglas's to McCreight's. The Standard replied, "but it failed to tell the fact, that those Governments were not opposed for opposition's sake, but to get self-government for the people—to secure Responsible Government, Union of Vancouver Island with British Columbia, and Confederation with Canada—and a vast number of other measures—and if any man can have any satisfaction in seeing the measures that he was the first in the Province to advocate, then Mr. DeCosmos has that satisfaction."

As the opening of the Legislature approached, DeCosmos turned his pleading away from the people toward the elected members, begging them not to support McCreight's government.

"We cannot think that political morality has yet sunk so low,

1. Daily Standard - Dec. 6, 1871. The Senators were Carrall, who supported Confederation but was against responsible government, Cornwall, and Macdonald, at one time Mayor of Victoria and appointed a member of the Legislative Council in 1867.

2. Ibid - Jan. 18, 1872.
nor that members are so lost to a sense of independence, as to support a ministry created contrary to the spirit of Responsible Government— and existing only in its present form by an indefensible political trick."

DeCosmos was present for only a few days of the Assembly before he left for Ottawa to attend the Dominion House. He was criticized for thus deserting his own province at a critical time, but DeCosmos had made the decision which he was to follow consistently throughout the remainder of his career. He chose the larger field always as more important and more worthy of his efforts than the narrower. It is possible that if he had stayed in Victoria the McCreight government might have been defeated that session. "His absence will doubtless be a serious disadvantage to the opposition. Whatever may be said of his politics, he is a man of parts, the main stay of his party, and the only really formidable opponent of the ministry."  

The Standard also gave his reasons for leaving for Ottawa. "As very important matters will come before the Dominion Parliament in which this province has a deep interest, it was of great moment that Mr. DeCosmos should be early at his post, to make himself thoroughly acquainted with all their details, and thereby be the better prepared to discharge the high and responsible duties devolving upon him."

The principal question at Ottawa which vitally inte-

2. Ibid - Feb. 26, 1872.
rested the Province was that of the railway. As early as April 1871, the terminus had been mentioned as Esquimalt on the Pacific side, although nothing definite had been decided. It was because of this railway question that DeCosmos left so suddenly for Ottawa.

On his arrival at Ottawa there were of course the usual comments on a new member. The Ottawa Free Press remarked that "Mr. DeCosmos has every appearance of high intellectual force, and of great firmness of character, without any of that acerbity of manner, or unreasonable doggedness which causes those excellent qualities to become noxious."

As a private member at Ottawa, for the first time, DeCosmos naturally did not attract much attention, although he was complimented on his first speech regarding the Geological Survey. He was active in asking many questions about different matters affecting British Columbia. Regarding the tariff, he did not neglect to point out the peculiar situation of the province. It had adopted the Canadian tariff although it was given the option of keeping its own until the railway was built. "Mr. DeCosmos explained that British Columbia, notwithstanding that it had adopted the Canadian Tariff, was in favour of protection for manufactures and agriculture. The colony was young, it required nursing, for its farmers were poor, and

2. Ibid - April 30, 1872.
3. Ibid - April 27, 1872.
their country was rugged and they were not able to compete with the agriculturists of the neighbouring republic. What they wanted was to grow their produce in their own country, and keep their money in their own pockets."

The vital question of the Canadian Pacific Railway came up for consideration in May. DeCosmos in the course of the debate asked what the Dominion Government intended to do about the terminus. Langevin, the Minister of Public Works, replied that if the route to Esquimalt were practicable the Dominion Government intended to use that as the terminus. In the course of his speech, DeCosmos advocated that in any circumstances the railway must be extended to Vancouver Island to connect Nanaimo and Victoria. Langevin in his reply said that in any case if the railway was carried to Burrard Inlet "a ferry will be carried to Esquimalt as part of the railway."

DeCosmos declared that he was in favour of more than one company building the railway. He also felt that "the people of British Columbia would stand aloof unless sufficient amount of stock were allotted to them to give them a vote in the management as it was feared that otherwise a few individuals might get control and freeze out the smallest subscribers."

He criticized the opposition severely for their stand. "What he heard from the opposite side only confirmed a belief that he

2. Ibid - May 28, 1872.
3. Ibid - June 21, 1872. Quoted from the Toronto Mail.
4. Ibid - June 29, 1872. Quoted Ibid.
had begun to form that honourable gentlemen on that side mis-
took party for patriotism or else were greatly ignorant of the
mode of constructing railways on this continent. He considered
it his interest and his duty, not only as a British Columbian
but as a Canadian, to sustain the Government measure, and to
vote for it first, last and all the time."

Meanwhile in Victoria, preparations were being made
for the regular elections to the Dominion House. The fact that
DeCosmos was still absent in Ottawa meant that his supporters
had to be active in order to ensure his re-election. "In the
absence of Mr. DeCosmos it is necessary that his friends and
supporters should be vigilant, and not allow other gentlemen,
however deserving they may be of your favour, to take from him
his well-earned laurels. It is not possible that you can se-
lect from this community a gentleman more competent to serve
you, or one more faithful to the trust confided in him than Mr.
DeCosmos."

The Standard then spoke of his work in Ottawa and
showed how that entitled him to be re-elected.

Immediately upon DeCosmos's return in late August, he
held a meeting to place before the people a resume of the past
parliamentary session. He emphasized the dollar and cent char-
acter of the union, mentioned the tariff question, congratula-
ted Sir John A. Macdonald on the Washington Treaty, establish-
ing the practice of peaceful arbitration between the Anglo-Sax-
on races rather than the arbitration of the sword. He declared

2. Ibid - July 1, 1872.
his full faith in the liberality of the Ottawa cabinet and its freedom from corruption. On the question of dual representation he declared that if he could not fill two seats he would resign one. The question which he discussed most fully was of course that of the railway, particularly the terminus. "Like most other sections of the country, Victoria has not much agricultural land or natural resources around it; she has two harbours, a settled population, and a good geographical position, beyond that her industry is artificial, and being so, he took it to be their duty to maintain her supremacy. For seven years he fought for the Union of the Provinces, because he believed it tended to this. In 1867 he said one fight more, Victoria would have to fight to get the supremacy; that was to secure the terminus of the railway. He was prepared to say the members did well, but the terminus had not been decided upon; he wished to see this place the centre, and as there was a discussion in Parliament on the Eastern terminus he raised the question of the Western terminus and secured from the mouth of the Minister of Public Works the open confession, that Esquimalt should be the terminus. It took time, but the point was obtained, and he believed would never be violated. 'If it can be brought by the Johnston's Straits, yes! If it could not, but by means of a ferry from Burrard Inlet to Nanaimo, the answer was yes! Would you make the Vancouver Island line a part of the railway? Yes!' He believed from what he knew the railway will be brought by the way of Johnston's Straits, it is the only way it can compete successfully with the American line."

1 Daily Standard - Aug. 23, 1872.
In the election Hincks, a member of the Cabinet at Ottawa, ran in the Nanaimo riding. In order to ensure his election, DeCosmos himself went to Nanaimo on nomination day. He appreciated the importance of having a cabinet minister represent a British Columbia riding. Nevertheless his absence in Victoria on nomination day and the feeling aroused because of dual representation, both helped to lower his majority and Nathan who had been junior member for the district in the last election was able to lead the polls with DeCosmos running him a close second with only four votes less. The Standard said, "it made no difference whether or not he was at the head of the poll, as four votes will not put brains in a man's head, nor take away a man's brains, if he has any. But when he would again be in Ottawa, if his health and strength spared him, it would be found out who would be at the head of the poll on the floor of the House of Commons." 

The second session of the Legislative Assembly was begun in December. Although the McCreight government had been able to carry on through the measures they had passed, such as the adoption of the Canadian tariff and the abolition of the road tolls, and through a desire to prevent a new election, it had never been accepted wholeheartedly by the members because of its refusal to increase the sessional indemnity, and its revival of the Island versus the Mainland cry through its appointments to the Cabinet. It is possible that if a strong leader

2. Ibid - Sept. 4, 1872.
had been at the head of the opposition, the Government might have been overthrown in the first session. They had, however, managed to last through it, but almost at the beginning of the second session Humphreys moved a vote of want of confidence which passed by a majority of one. In a few days McCreight resigned.

DeCosmos succeeded him as Premier of the Province and formed a coalition government with Walkem, a late member of the McCreight Cabinet. He was criticized for joining hands with the man he had helped to put out of office. "The Colonist takes Mr. DeCosmos to task for not selecting the ministry exclusively from the accidental majority--united in nothing but a desire to break up a ministry. Mr. DeCosmos is to be congratulated upon having taken a broader view of the situation. To have selected a cabinet from a clique forming an actual minority of the members of the House, would have insured its speedy destruction. If there is one opinion upon which everybody is agreed, it is that we do not want another weak government."

To form his Cabinet, DeCosmos had chosen Walkem, a member of McCreight's Cabinet, and Beaven who voted for McCreight. The majority of it was chosen, however, from the other side, himself, Ash and Armstrong. Walkem had always been a supporter of DeCosmos, in the Legislative Council, on the questions of Confederation and Responsible Government. He was also pro-

2. Ibid - Dec. 23, 1872.
bably the most influential member from the interior of the province. Beaven was a member for Victoria City which of course must be represented in the Cabinet. Ash had long supported DeCosmos, from 1866, when the famous long speech was made. Armstrong was a member for the lower mainland which must also be represented. How temporary the alignment on the vote of want of confidence was may be seen by the fact that once the Cabinet was formed the same men who had voted against McCreight now joined with him to oppose DeCosmos. Humphreys and Robson are examples of this. They probably felt that they had been overlooked in the choice of ministers, but Robson through his enmity with DeCosmos could not have expected to have been chosen, while Humphreys, though a tower of strength in opposition, was felt by DeCosmos to be too hotheaded to be in the Cabinet.

DeCosmos announced his policy to the Assembly in an opening speech. "As far as their policy was concerned, they hoped to be conservative and loyal, at the same time they hoped to introduce and accept such liberal and progressive measures as will place the Province in the van of progress and advancement. Retrenchment in the staff of the public officers would be introduced, but not to impair the efficiency of the public service."

The definite programme included a measure to provide for the payment of magistrates by the system of fees, a contract system for public works, mineral and land laws, and provision for the disposal of the railway lands. There was to be an en-

couragement of immigration and an attempt to build the graving dock. An additional portfolio was to be created without extra expense, and indemnity was to be provided for the members. The road tax act was to be extended to the mainland. An election ballot bill, a wild land tax act, a public school system and discussion on the supreme court were to be introduced.

Humphreys accused DeCosmos of disobeying the principles of responsible government because neither he nor Walkem nor Armstrong were resigning and seeking re-election. DeCosmos declared that neither he nor Armstrong were receiving money for their positions and were not therefore required to seek re-election, while Walkem had merely changed his portfolio.

As DeCosmos was also member for the Dominion House, it was necessary for him to leave for the session at Ottawa before the completion of the session at Victoria. Although he was not present for the remainder of the session his policy of retrenchment was faithfully carried out, thirty or forty officials being dismissed, the ballot act was passed and in every way liberal measures were carried out. It might indeed be said that with this Government responsible government in its fullest significance, became part of British Columbia life. Until then Trutch, the Lieutenant-Governor, had been accustomed to sit in the Executive Council to give his advice to the ministers. As

1. Daily Standard - Jan. 30, 1873. DeCosmos was President of the Council, without salary, while Armstrong was minister without portfolio until later, when he became Minister of Finance and Agriculture, when he resigned and sought re-election. Walkem was now Attorney-General.
most of the men in McCreight's cabinet were impractical and inexperienced; it is quite possible that his advice was useful, nevertheless the principle was wrong. When the new Cabinet met Trutch was present at the time, and after quite a few minutes of desultory conversation, he in his usual abrupt manner, suggested that they get down to business. One can imagine his surprise when he was politely but firmly told that there would be no business until he withdrew. Whether his presence in the meetings had been helpful or not, from this incident British Columbia was politically self-governing, according to the practices of the Mother Country.

The fact that DeCosmos had finally established responsible government in British Columbia is shown by the attention the change of government attracted as far south as San Francisco and as far east as Ottawa. A San Francisco letter declared that more reform was needed in British Columbia and DeCosmos was the man to do it. "He possesses the entire confidence of the people, and this is a power that will enable him to push aside all petty politicians and give the country a grand move to the front." In Ottawa the government was known as "the DeCosmos, or as it is more commonly called, the 'People's Government.'"

In Ottawa DeCosmos returned to the ever-pressing question of the railway terminus. He asked Sir John A. Macdonald


2. Daily Standard - April 9, 1873.

3. Ibid - May 12, 1873. Quoted from Ottawa Free Press.
about this and received in answer that "Mr. Langevin's pledge that Esquimalt should be the terminus of the Canadian Pacific Railroad, would be rigidly carried out."

A member from Manitoba brought up the question of the treatment of Indians there. He spoke of the fear of massacre and of the bad effects it would have on immigration, and he related the question to annexation to the United States. DeCosmos in speaking to the motion made a speech reminiscent of Howe. "He believed it to be the duty of every loyal subject to promote the unity and integrity of so magnificent an inheritance. He abhorred the idea of annexation. He saw the people of all callings and classes prospering in this country and the unanimous desire, he trusted of the people of the Dominion was to live and die Canadians. Canada was but a municipality within the British Empire. In face of this, so far as he knew, the feeling of young Canada was in favour of a consolidation of the Empire, and failing in this, a position of independence, not of annexation, for that he despised, as the term implied a position of inferiority. In Confederated Britain Canada should take a position second only to England herself." This speech was commented upon in Ottawa.""One of your city members--Mr. DeCosmos--is acquiring some notoriety by his speech on uniting Canada with the United Kingdom, or failing in that, to make Canada an independent and sovereign nation."

2. Ibid - April 22, 1873. Quoted from Montreal Herald, which quoted from Manitoba Globe.
Even in the Dominion House DeCosmos did not neglect his old plea for the freedom of the press. On a resolution to call before the bar the writer of a libellious article on some of the members, DeCosmos moved an amendment that "the article in the Freeman, read in this House to-day, reflecting on some of its members, is libellious, yet we deem it to be undesirable to interfere with the freedom of the press, and that the dignity of this House will be generally better upheld by leaving the utterances of the press with reference to its members to the verdict of public opinion."  

While at Ottawa, DeCosmos brought up the question of cabinet representation for British Columbia and called a meeting of the provincial members to consider it. From all accounts the members turned down the proposal. The Standard suggests that the reason was the jealousy that the other members entertained of DeCosmos. Knowing that if this proposal were put before the Cabinet and accepted, DeCosmos would be the logical choice, they turned down the proposal rather than see him secure the prize.  

Before his return to Victoria, DeCosmos was able to telegraph to the Standard that an order-in-council had been issued in June to adopt the route of the railway between Victoria and Seymour Narrows at once. Esquimalt was to be the terminus, and a strip of land twenty miles wide was to be conveyed to


On his return to Victoria, the question that was attracting the greatest amount of interest was that of the graving dock. In the terms of Union the Dominion Government guaranteed "the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding one hundred thousand pounds sterling, as may be required for the construction of a firstclass graving dock at Esquimalt." It was decided in 1873 by the provincial house that it would be more advisable to ask for a direct grant from both the Dominion and Imperial parliaments to build the drydock. Consequently DeCosmos was appointed a special agent and delegate of the Province to both Canada and England. He was also to consider the matter of raising funds for certain other public works. He reached Ottawa in October at the time the special session was being held to deal with charges against Sir John A. Macdonald regarding campaign funds. DeCosmos was forced to wait for Tilley, the Minister of Finance, but eventually an arrangement was made with the Dominion Government to submit to Parliament a measure to give the province fifty thou-

1. Daily Standard - June 12, 1873.
sand pounds as a bonus in lieu of the guarantee in the terms of union. As well, for other public works, the Dominion Government would advance a loan of about $1,000,000 at five percent without any sinking fund. This was the difference between the actual and allowed debt of British Columbia. The province might refund this at any time.

The Macdonald government was forced to resign almost immediately afterwards on a vote of want of confidence. The Standard, DeCosmos's paper, supported Macdonald, because of Mackenzie's opposition to the railway terms and it seems that all the British Columbia members voted for Macdonald.

The Mackenzie government authorized the arrangements DeCosmos had made with Macdonald but it was necessary that they should be put before Parliament when it met. With the promise that this would be done, DeCosmos left for London, reaching there in December. He asked the Imperial Government to loan the Province, $250,000 for twenty-one years at four percent interest or the Province would be willing to let the Imperial Government build the dock if it would allow other than navy ships to dock there, and the Provincial Government would give fifty thousand pounds towards the cost. There was some delay over the decision and DeCosmos was forced to leave for home but in a letter to the Provincial Government he expressed the belief that the Imperial Government would grant some aid, although


not as much as they had asked. The Imperial Government eventually promised a grant of thirty thousand pounds, payable upon completion.

Meanwhile on the opening of the Provincial Legislature in December, 1873, the Lieutenant-Governor's speech declared that he had protested against the breach of the terms of the union regarding the railway. The terms said that within two years the Dominion Government would commence the Pacific Railway. All that it had done, however, was to carry out the solemn farce of sending out Marcus Smith to Esquimalt to break the sod there, then work stopped. A formal protest had been sent. No action was taken by the Dominion Government, except to acknowledge the protest. Then the extra session regarding the charges against Macdonald was held. Obviously nothing would be done about the railway, nevertheless the Provincial Government again protested, that the session had been prorogued without making provision for construction of the railway. It was a foolish protest and had no other effect than to receive the reply of Mackenzie that referred them to his speech at Sarnia, November 23, 1873, which declared his intention to endeavour to


2. Daily Standard - April 24, 1874.


4. Ibid - Nov. 24, 1873.

secure a modification of article eleven of the terms.

DeCosmos of course was not present at the opening of
the House, being absent in London. His place at the head of
the Government was taken by Walkem who had been conducting the
Government from the beginning, carrying out DeCosmos's policy.
During this session an attempt was made to throw open the rail-
way reserve between Esquimalt and Nanaimo for settlement. This
proposal was suggested by Robson. Robertson amended it to de-
clare that it was the duty of the province to carry out its part
of the terms if it expected Canada to carry out its, therefore
the reserve should be left alone. The amended motion carried.

DeCosmos was present in the House by the twenty-sixth
of January and on the third of February presented his report on
the mission to Canada and England. Walkem asked leave to in-
troduce a bill respecting Articles two and twelve of the terms
of union, these being the ones dealing with the debt of British
Columbia and the graving dock. Humphreys seconded by McCreight
moved that "in the opinion of this House it is neither expedi-
ent or wise to alter the terms of union without a direct refer-
ence to the people."

Meanwhile the rumour that the government intended to
alter the terms of union had been carried to the people and the
same night a large meeting was held in Victoria, attended by

P. 19.
2. Ibid - P. 22. For, 20, Against, 3.
3. Ibid - P. 35.
some eight hundred people, among which were such influential men as Dr. Helmcken, Dr. Tolmie, Senator Macdonald, Mr. Drake and many others. The meeting passed a resolution "that this meeting deems it unadvisable to enter into any negotiations for capitalizing the Dry Dock guarantee or to borrow money from the Dominion Government until the scheme of the Mackenzie Ministry for the relaxation of the Terms of Union shall be made known. And further, that it is distinctly opposed to the Provincial Government interfering in any manner with the Terms, or agreeing to any new terms offered by the Mackenzie Government until the same shall have been submitted to the people for adoption." 1

This meeting, hearing that, at that moment, the question of altering the terms was before the House, immediately adjourned en masse to the Legislative chamber where they forced their way in, causing the Speaker eventually to leave his chair because of the disorder. The Colonist reported that the petitioners were particularly angered against DeCosmos, calling him traitor and tyrant. Finally when order was secured it was decided that the petition should be presented another day, and this was done. The Colonist spoke of "a scene which few men in the course of a long lifetime are privileged to see--an oppressed and down-trodden people rising in their strength and wrath to tell their taskmasters that to remain longer silent would be a crime." 2 Findlay, the Chairman of the meeting blamed DeCos-

2. Gosnell, R. E. - Sixty Years of Progress. P. 29.
Quoting from the Colonist.
mos for the outbreak because he ordered the House to be cleared.1

The Colonist, ever ready to criticize DeCosmos, said that the "Government has since given evidence of weakening, and the Premier has given notice of his resignation." This article gave the impression that DeCosmos had resigned because of the antagonism of the people, a bitterness which was only temporary, since the Government lasted for a great many more years. The reason for DeCosmos's resignation was the Dual Representation Bill of the Dominion House, which required that a member of a local legislature who also intended to run for the Dominion House, if his province did not allow Dual Representation, must resign before he could be nominated for the Dominion House. British Columbia had passed a Dual Representation Bill on February 21, 1873. Immediately after his resignation DeCosmos was nominated as member for the Dominion House in the new elections.4

After the petition of the people was presented by McCreight, Robertson, seconded by Smith the moved, "that, in view of the importance of the Railway Clause of the Terms of Union between Canada and British Columbia being faithfully carried out by Canada, this House is of opinion that no alteration in the said clause should be permitted by the Government of this Province." Mr. Duck amended this, seconded by DeCosmos, so that these words should be added "until the same has been submitted to the people for their endorsement." The motion as amended

2. Gosnell, R. E. - Sixty Years of Progress. P. 29.
McCreight embodied the petition in a motion, and also presented petitions from other parts of the province of the same purport. Beaven amended McCreight's motion to show that since the Government had passed a resolution not to interfere with the railway clause and since the proposed policy of changing the graving dock clause must be assented to by the Governor-General and the Dominion Government before becoming law, therefore the Government's proposed change should be endorsed. After a great deal of discussion the Act to amend Articles two and twelve of the Union terms, to allow money to be obtained from the Dominion Government was passed. An amendment was attempted that would have prevented the Act from taking effect before the assent of the electors was received, but it was defeated. A petition was received from a great many electors endorsing the Government policy since it would not effect the railway terms.

On February 20, 1874, Robson moved seconded by Smithe, a resolution which brought to light the Texada Island scandal. He declared that certain statements had appeared in the newspapers "connecting the names of members of the late government, and of the present government with proceedings of a question-
able character in relation to Texada Island, in the Straits of Georgia, and whereas transactions are alleged to have taken place in respect to said Island, of a nature prejudicial to the public interest" he asked for a Royal Commission to inquire into it. He declared "I believe, and have good reason to believe, that there is truth in the charges, or some of them." When he was asked to be more explicit he backed down. His motion was defeated but immediately Walkem moved, seconded by Beaven, both members of the Government, for a Commission to inquire into the matter, and their motion carried.

The Report of the Royal Commission, October, 1874, after examining all the witnesses and allowing Robson, who conducted the investigation to examine all the witnesses he desired, declared that "although there were circumstances apparently suspicious attending the pre-emption in Texada Island in August 1873, yet, in their opinion, upon a thorough examination of those circumstances, there is no sufficient grounds to believe that any member of the late or present Government, either by himself, or in unlawful or dishonourable combination with any other person, has attempted to acquire possession of the whole or of any part of Texada Island, in a manner prejudicial to the interest of the public."

2. Ibid — P. 46.
Gosnall, R. E. - Sixty Years of Progress. Pp. 29, 30.
The elections for the Dominion House were held in March, 1874. There was a certain amount of discussion of whether the British Columbia members would support Macdonald of Mackenzie. Helmcken, as one of the directors in Allan's company, was supporting Macdonald and the Standard criticized him for this, reminding people of the days when he was an annexationist. The Standard came out definitely against the corruption of the Macdonald government and although DeCosmos ran as an independent it may be assumed that he shaped the policy of his paper. Macdonald tried to keep British Columbia on his side and in one of his speeches said that the province ought to secede since Mackenzie had repudiated the terms. DeCosmos's success at the polls was welcomed by many people as an indication that British Columbia once again was saved from annexation under Helmcken.

The Dominion Government sent out an agent, Edgar, with very indefinite instructions, to discuss the railway terms with the provincial government. The latter had of course tied its hands with regard to modification of the terms concerning the railway. Edgar negotiated with the government and offered it modified terms. It was not until then that the provincial government decided to find out if he was an accredited agent of the Dominion Government, and while waiting to discover this they refused the terms. Edgar then left and the provincial government,

2. Ibid - Mar. 21, 1874. Quoted from Toronto Globe, Feb. 27.
regretting their refusal, telegraphed to the Dominion Government to ask if it was willing to accept Edgar's terms. The reply was a withdrawal of the offer, while for the first time the Dominion Government definitely declared that Edgar was their accredited agent. There seems to have been a mystery on every side about the matter. Dewdney, one of the British Columbia members, asked in the House of Commons, April 1, for any correspondence regarding the relaxation of terms between the two governments and Mackenzie said there was none, yet, this was at the time of the Edgar proposal.

DeCosmos was not idle in this session of the Dominion Parliament. As usual his demands had to do with the railway. He protested against the non-construction of the railway. An Eastern paper commenting on him said "this now famous British Columbian is wide-awake and ready for work, not at all timid in his demands, and apparently having the social qualities of his nature in a state of full development." He was accused of being an agent of Mackenzie's government in British Columbia and of having had correspondence with him regarding relaxation of the terms. He denied this, but it can be seen that he must have been showing a preference for that side of the House at that time. When there was some discussion regarding Sir George Car-


3. Ibid - May 7, 1874.

4. Ibid - May 15, 1874.

5. Ibid - April 22, 1874.
tier's resolution that the railway would be built without increasing taxation, DeCosmos said that British Columbia could not be bound by that since it was passed in the Dominion House before the province entered union, without its knowledge or consent.

After the fiasco of the Edgar proposals there was a deadlock between the two governments. The Dominion Government seemed inclined to let matters remain in that situation but the Provincial Government drew up a memorial, June, 1874, outlining the history of the railway controversy. Walkem was appointed a delegate to present this memorial to the Imperial Government. Carnarvon, the Colonial Secretary, heard of this mission and offered his services as mediator. The province accepted the offer with reservations, the Dominion Government gladly. The latter gave their side of the question, declaring that the railway terms were unpopular in Canada and that they could offer no more than the Edgar proposals—which had been refused by Walkem's Government, merely because of "local political exigencies." They also pointed out the liberality of the Dominion Government in the question of the graving dock.

Walkem departed for London and eventually some agreement was come to with regard to terms. The agreement was known

as the Carnarvon Terms. "They are important, not because they
were carried out, for they were not, but because they were, for
the ensuing seven or eight years, constantly referred to in the
discussion concerning the railway and they also formed the basis
of a great deal of the island railway dispute."

The terms were for the commencement of the Esquimalt
and Nanaimo railway immediately, the carrying on as soon as pos­
sible of the mainland railway, the construction of a wagon road
and telegraph line, an annual expenditure of two million dol­
lars a year, the completion of the railway to the western end
of Lake Superior by 1890. Both the Canadian and the Provincial
governments accepted the compromise. This acceptance along
with other unpopular measures, caused the downfall of Walkem's
government in the next election.

A knowledge of these terms is necessary to understand
DeCosmos's position in the Dominion House for the next five
years. On the opening of the House in 1875, the Government
brought in a bill, in accordance with the Carnarvon terms, to
build the Esquimalt and Nanaimo railway, as a government road,
to become part of the main line if Esquimalt should prove suit­
able for the terminus. DeCosmos, in speaking to the motion ob­
jected strongly to the remark that this road was to be built as
compensation for the non-fulfilment of the terms of union. He
declared that from 1871 on, the question of the terminus at Es-

quimalt had been discussed and finally in 1873 the Government by an order-in-Council had definitely placed it at Esquimalt. Moreover the Act itself had said that the Canadian Pacific Railway should end at the port on the Pacific that should best promote the shipping and commercial interest of the Dominion and the only port was Esquimalt. DeCosmos also advocated strongly that the road should be built by the government, not by private enterprise, principally to prevent Asiatic labour being used. As early as 1875, DeCosmos was voicing the fear of cheap labour from Asia.

The Bill passed the House of Commons by a large majority, but was defeated in the Senate, "owing, it is said to the Speeches of members of the Walkem ministry (then in power) having arrived in the interval, whereby it appeared that it was their intention, nevertheless, to require Canada to fulfil the original terms." Senator Dicky quoted from Beaven to show that the Provincial Government said that there was to be no abatement of the terms.

The Dominion Government offered compensation of $750,000 for the loss of the immediate construction of the Island railway but the Provincial Government refused this offer.

They continued to insist on no variation of the terms. The distrust of the Dominion was growing, particularly on the Island which felt it was being exploited. In January 1876 a resolution of separation was actually moved in the Legislature but received no seconder.

In the Dominion House, DeCosmos voiced the intense dissatisfaction of his constituents when on the motion to go into committee of supply he moved in amendment, that since in 1871 the honour and faith of Canada had been pledged to British Columbia to commence within two years a railway and again in 1874 the Dominion Government had pledged itself to carry out the Carnarvon terms, the House was of the opinion that the work should begin now. Everyone felt that DeCosmos was unnecessarily censorious of the Government, since it had not yet made public its policy for that year with regard to the railway. Consequently the amendment was defeated by a large majority.

The majority vote was proved to be right when it was seen that the estimates included $2,810,000 for the railway.

That summer Lord Dufferin, the Governor-General visited British Columbia. The people of the Island and particularly Victoria made this visit the occasion of a demonstration. An arch was put up with "Carnarvon Terms or Separation" and a secession address was prepared, to be presented by influential men to the visitor. By tact and diplomacy, Lord Dufferin avoided...
ded any trouble and was able to create better feelings. The principal reason for his success was probably his "Great British Columbia Speech." In this he went into all the history of the railway question, showing the reason for the policy of the Dominion Government and their desire to overcome the feeling of dissatisfaction. "Let me then assure you, on the part of the Canadian Government and on the part of the Canadian people at large, that there is nothing they desire more earnestly or more fervently that to know and feel that you are one with them in heart, thought, and feeling." He appealed to the people of the province by praising the wonders of the province. "I may frankly tell you that I think British Columbia a glorious province—a province which Canada should be proud to possess, and whose association with the Dominion she ought to regard as the crowning triumph of federation." He declared that they should not fear injustice because of their numerical weakness. "It is to men like yourselves, who, with unquailing fortitude and heroic energy, have planted the laws and liberties, and the blessed influence of English homes among the wilds and rocks and desert plains of savage bands, that England owes the enhancement of her prestige, the diffusion of her tongue, the increase of her commerce and her ever-widening renown, and woe betide the Government or the statesmen who, because its inhabitants are  

2. Ibid - P. 457.
few in number and politically of small account, should disregard the wishes or carelessly dismiss the representations, however bluff, boisterous, or downright, of the feeblest of our distant colonies."

The effect of this speech was enhanced by a despatch from the Colonial Secretary, Lord Carnarvon. The despatch among other things, declared that by 1878 the difficulties regarding the railway would be cleared up and advocated a spirit of compromise until then.

When 1878 arrived nothing had been accomplished with regard to the railway and the people of British Columbia were determined to declare a more active opposition to the Dominion Government than mere protests. An expression of this feeling was given by DeCosmos in May 1878, when he declared that unless the Government were prepared to build the railway no other course could be open than annexation to the United States. He protested against the shortsightedness of the Dominion Government in not realizing that on the Pacific would be created the great city of the country, reaching as it would the millions of the peoples of the Pacific. He appreciated the importance of the Pacific Northwest but mistook Victoria for the great city, not realizing that a greater would arise.

In British Columbia, Walkem was again in power after a mid-year election. The speech from the throne definitely

2. Ibid P. 483.
foreshadowed a more decisive opinion on the Mackenzie Government delay. The railway question was the important one before the House, and Walkem, after outlining the history of protests and delays declared that, since the Dominion had again neglected to live up to the final settlement of Carnarvon for 1878, "British Columbia shall hereafter have the right to exclusively collect and retain her Customs and Excise duties and to withdraw from the Union," and should be entitled to compensation. This was seconded by Beaven, another member of the Government. The opposition attempted amendments to prevent secession but the House voted them down and passed the secession resolution by a vote of fourteen to nine. It was forwarded to the Imperial Government by way of Ottawa just at the time of the Dominion elections. Due to the excitement there, it was mislaid and when it eventually reached London, better feelings had arisen, due to the return of Sir John A. Macdonald.

Before the defeat of the Mackenzie Government, a definite choice for the route to the Pacific had been made and Esquimalt was dropped as the terminus, the Fraser Valley route being chosen. This decision was not accepted by Macdonald until further surveys were made.

At the beginning of 1879 DeCosmos, to show in what an unfortunate position British Columbia had been placed, moved for an act to provide for the peaceful separation of British Columbia. There was no seconder and DeCosmos said he was glad that

those men who had cast the most violent aspersions at British Columbia for supposedly attempting to gain something for nothing and who had declared that they wished to get rid of her, did not dare to second his motion. "He merely wished to draw the attention of the House to the unfortunate position in which the opposition stood; also to the unfortunate position in which the Government stood. The people of British Columbia had as little faith in one side as they had in the other."  

In the session of 1880 DeCosmos made a speech on the prosperity of British Columbia to show how unfounded was the despondency felt about this province. He gave numerous figures to substantiate his claims of her prosperity. After he had illustrated his point by apt stories he turned to the ever recurrent question of the railway. "Though there have been three governments in existence since the arrangement was entered into, to commence construction of the Pacific Railway in that Province, yet not a pick has been struck in the ground in the way of construction, not a shovel full of earth has been lifted, not a cartful of earth or stone has been carried, not a culvert has been built, not a bridge erected, not a tie laid, not a rail stretched--nothing has been done whatever. Yet we have been told here that a large sum of money has been expended on survey."  

He criticized the leader of the opposition for croak-  

1. Debates - Canadian House of Commons, 1879. April  
ing that the Government went too fast when he should have said they did not go fast enough. He also criticized him for complaining of the amount spent in British Columbia, when it was "the great milch-cow of Ontario" that absorbed all the money.

Eventually in 1880 the Government did begin the construction of the railway through private enterprise. Macdonald was determined to build only the mainland railway to its terminus on the mouth of the Fraser River. The Walkem Government would not recognize defeat and was just as determined to get the Island railway built. To place its views before the Macdonald Government, it appointed DeCosmos a special agent. He was entirely unsuccessful, however, since Macdonald would not change his views.

Nevertheless the provincial Government would not give in and appealed over the Dominion's decision to the higher authority of the Crown. Therefore DeCosmos was appointed as agent to present a petition to the Queen regarding "the refusal of Canada to build the Island section—as they called it--of the Canadian Pacific Railway." After considering this and the Dominion Government's side of the question, the Colonial Secretary, as a settlement, suggested "the construction of a light line of railway from Nanaimo to Esquimalt, the extension with-

out delay of the line to Port Moody, and the grant of reasonable compensation in money for the failure to complete the work within the term of ten years as specified in the conditions of union. The Dominion Government, however, did not see its way clear to carry out a settlement which they said was not part of the terms of union. Nor were the Carnarvon terms binding but mere suggestions which had been defeated in 1875, by the defeat of the Esquimalt and Nanaimo Railway Bill.

This was the last time that the railway controversy entered into DeCosmos's affairs, except during his election campaign in 1882. He had fought consistently for British Columbia and more particularly for Victoria, but his work in this instance was practically fruitless. He had been fighting against too great odds and for ends that would never have been practicable. The railway could never have been brought to the Island and it seems strange that the inhabitants of the Island never saw that. They were blinded, however, by the fear of the rivalry of New Westminster. They saw Victoria as the great city of British Columbia and neglected the possibility of a greater arising.

In the Dominion House DeCosmos was also a consistent advocate of the expulsion and the restriction of the Chinese from British Columbia. He feared their competition as cheap labourers and as early as 1875 had advocated government construction of the railway as the only means of preventing the use of


2. Ibid.
Asiatics. In 1878 Bunster had followed the same policy in moving that no man should be allowed to work on the railway who wore his hair more than five and a half inches long. The motion was not taken seriously and was defeated. Again in 1879 DeCosmos presented a petition from Noah Shakespeare and fifteen hundred labourers, asking for restriction of the immigration of Chinese, and that no Chinese be employed on the railway. DeCosmos attacked the question from the moral, economic and racial sides, but he stressed the economic. He said there could be no race assimilation and that these people were pagan. He mentioned particularly the amount of money these people sent out of the country every year. "This was the paramount question in the Pacific Province." He asked the Canadian Government to prevent Chinese from working on the railway, from buying land, and from becoming naturalized. His plea did not attract much interest in the House and nothing was done.

The last important speech that DeCosmos made in the House of Commons was on the question of Canada's independence. It is interesting to compare it with that last political speech of Howe's which caused so much perturbation among his colleagues at Ottawa and was one of the reasons for his retirement in the next year. DeCosmos's speech was to have the same results for

1. Vide Supra, P. 162.
him. It was one of the most powerful reasons for his defeat at the polls in 1882. The speech arose out of a debate on commercial treaties. DeCosmos felt that Canada should have a right to negotiate her own. He spoke of the time when Canada would be independent, although he said that the time had not yet come. She must first round out her territories. He even definitely said that the Imperial Government was incapable of doing the business of Canada—an advanced statement in 1882.  

In the elections of 1882, the opponents of DeCosmos made much of this Independence speech, as they called it. They also criticized him harshly for his inability to work congenially with anyone and as a consequence accomplishing nothing. It seems evident that DeCosmos in these years was quarrelsome and thereby probably neutralized a certain amount of his usefulness. It seems possible, however, that any member from British Columbia would have been in the same situation, however even-tempered, unless he had gone directly against the wishes of his constituents. His opponents were right, however, in realizing that a new man would be better suited to the country now that feelings were less strained between the province and the dominion. DeCosmos ran his election on the same questions of the railway controversy and the Chinese, but one can imagine that the people of Victoria were ready to forget local questions and enter more into the life of the Dominion as a whole. It is not surprising that he was beaten then, nor is it surprising that he

felt very bitterly about his defeat, thinking that Victoria had betrayed him since he had represented the city for ten years, ever since the Province entered the Dominion.

Mr. Sproat, in summing up his career as a member at Ottawa has made a few interesting statements. "It cannot be said that his reasonable and just ambition was ever qualified by—as his western friends thought—adequate recognition in the party, or the official councils at Ottawa. To say the least he did not prove himself to be a patient party man, and he lacked also the diplomatic quality, which, in its highest degree, must be inborn. Hence the career of this notable personage, in the political sphere of action which he had pre-visioned, and reached by long journeyings, was, from his own point of view, a failure, though marked by great qualities, and by achievements that were fully recognized in the Pacific colony.

"Taking his career throughout, no Pacific seaboard man has equalled his length of service at Ottawa as an elected representative, and I think it may be said of him truly, that the province so far has not sent to the capital any greater member of parliament."

DeCosmos retired into private life and it is difficult to gather any information about him. He lived with his brother, Charles McKay Smith, who edited his paper, the Standard, and his brother's son in his home on Yates Street, where he owned a considerable amount of property. Twice he sent petitions to the local House, one declaring that the amendment of the city

map would interfere with the rights of city landowners and complaining that he had not been informed of the proposed amendment. The second one was about the incorporation of the Mount Tolmie Park and Cordova Bay Railway Company. He felt that it was injurious to his interests as an owner of real estate. He had not been able to find the plans of the Company and complained that they had been suppressed purposely. Both these petitions show clearly that DeCosmos was already experiencing the effects of the disease from which he suffered in the last years of his life. Suspicion of conspiracy against him was evidently one of the manifestations of the disability from which he suffered in the last years before his death.

Once again he entered the political field when in 1895 he ran as candidate for Victoria, or rather attempted to run. Many of the oldtimers in Victoria came out to give him their support but his health would not enable him to carry on a campaign and he had to surrender the field to younger men. He lived for two years longer but died in 1897. No more fitting commentary on his work can be made than that of Mr. Boggs. "Had DeCosmos died twenty years earlier he would have been looked upon as one of the foremost statesmen of the West; but he lived too long, he left no descendants to keep his name before prosperity, and being so to speak, outside the Fort, the Great Company which he so persistently fought would hardly be expected to record his work."  

In some men's lives it is simple to pick out the supreme achievement and it is by this achievement that the man is remembered. As an example, Joseph Howe is remembered for the winning of responsible government, Sir John A. Macdonald, as the leading figure in Confederation.

When one turns to DeCosmos, however, one is faced with a problem. He is the first exponent of responsible government for Vancouver Island and British Columbia, through the columns of his newspaper and in the Legislature. He continued to fight for it for eight years and then announced his willingness to accept union even without representative institutions. One might then ask the question, was it union that was the supreme achievement of his life, to which he was willing to sacrifice all other causes?

One discovers, however, that once union was won, in a comparatively short period, DeCosmos turned again immediately to his old fight for responsible government. This time when he was engaged in the greater struggle for Confederation, he would not compromise and attempted, although unsuccessfully, to make responsible government the sine qua non of the Confederation terms. One is puzzled, on the smaller question of the union of
the two colonies that he was willing to sacrifice anything, even responsible government. Yet with the great problem of Confederation before him, he struggled continually to secure responsible government, before he would accept it.

Which then is the supreme achievement of his life? Was it the winning of responsible government which he abandoned once but to which he returned again with renewed love, or was it union, union to which he would have sacrificed everything, and which more than anyone else he was responsible for winning; or was it Confederation, which he initiated in British Columbia, for which he contended during four years, and yet which he placed second to responsible government in the final struggle? Or is it possible that none of these results are to be remembered as his supreme achievement, but rather a less tangible result but one which did more than any other single factor to make possible the change in the life of the province? His creation of a public opinion of and public interest in the questions of importance to the colony through the columns of his newspaper is more likely the great achievement by which he will be remembered.

When DeCosmos reached the Island it was ruled by an autocrat, late member of a great monopoly. The people had no hand in the government and took little or no interest in it. DeCosmos roused that interest, moulded it, and directed it in the right channels. Many people have regretted his virulent attack on Sir James Douglas as a ruler, but it must be remembered that the latter had no idea of government according to
the well-understood wishes of the people and DeCosmos as a man from the Eastern Provinces naturally would desire to procure what he considered the right of every British subject.

He began his career in the West and did his greatest work in this way, but he was ambitious for greater honours than the prizes of colonial office. To fulfil his ambition to gain a place in national politics, it was of paramount importance that he should further the interests of the people by winning for them responsible government and a place in Confederation. No one would deny that DeCosmos was ambitious but it was an ambition that in its results was advantageous to the people, while the ambition of the officials and the Company men was directed to their own or the Company's gain.

His purpose, then, was to educate the colonists to a broader view in politics, economics, in social outlook. He had faith in the people's choice and was willing to leave his chance of success to them, and of course to his own efforts, whereas the men who opposed him feared the free choice of the people and wished the security of position which comes through officialdom and monopoly.

DeCosmos attacked all this, possibly too vehemently and with too little regard for other people's views; but he was attacking a system which was securely entrenched and which needed the force of a vigorous pen and a fearless criticism to dislodge it. It was a time when words were not minced and men said what they felt openly, but bore no grudge against their opponents. Sproat said of DeCosmos, "there was no malice in
the impoliteness, for he would have entertained the scarified one, at dinner, the same day, but this was not then generally understood. In the evening of a day that comes back to my memory, marked by an issue of his newspaper, with six separate articles on myself, of an uncomplimentary character, he and I cooperated in drawing the contents of a couple of bottles of the Napoleonic Chambertin, served in his best style with Parisian grace, by Mr. Sosthenes Driard. The articles were no more considered by us than were the corks in the Chambertin bottles, though probably similar articles for the morrow, were then passing through the press of the temporarily absent proprietor.¹

If DeCosmos suffered more than the ordinary newspaper man suffered because of his virulent writings it was not because he was more virulent but because he was a difficult man to know intimately. The few such as Sproat who did know him could appreciate the essential kindliness of his nature behind all this customary political vehemence. Those—and they were the majority—who never got to know this "Singular Figure" saw only his public life and knew nothing of his private character. It has often been said that public men can have no private life, and the fact that DeCosmos kept his private life to himself(if he had any)meant that he became a curious figure, an unknown quantity and the public does not like anything it can not understand. As a consequence DeCosmos always suffered the fate of the eccentric, because of his name, because of his habit of

¹ Sproat, Gilbert M. - A Singular Figure in British Columbia Politics. Victoria Daily Times. Jan. 19, 1906.
of life. He was ridiculed and if that was not successful, he was slandered.

It is then in the first years of DeCosmos's life in Vancouver Island that were planted the seeds of his later success and failure. As a newspaper man he was undoubtedly a success, and to him the colony will always owe a debt of gratitude for his initiation of free opinion into the young colony. It is to these years he owes his understanding of British Columbia's needs and his ability to remain in public life so long. He fought only for those things which he had written about, argued about, and created an intelligent opinion about, before he turned to active struggle for them. It is to these early years also that he owes his failure to become the real exponent of the people of British Columbia. He gained their admiration but never their love. He was never the popular hero of British Columbia that Joseph Howe was of Nova Scotia, yet his career, in many respects, is as much a part of British Columbia's history as Howe's was of Nova Scotia's. People in British Columbia do not remember DeCosmos, except for a few who knew him or those who are writing of that period.

Since he never gained the following which is so necessary to win a man fame before and after his death, one is not surprised that he failed to gain that position in Dominion politics which he had anticipated. Moreover he did not work well with other men. This may also be blamed on his secluded habits. A man who lives by himself always will depend on his own judgment, of necessity. When he enters public life his
habit of mind is already formed and he still regards his own judgment as better than others. One can imagine such a man trying to succeed in Dominion politics in a party under as exacting a leader as Sir John A. Macdonald.

Yet as a leader DeCosmos could get along very successfully with his subordinates. He was an extremely successful premier of British Columbia for two years. Of course it may be said that he was absent most of the time but nevertheless there seems to have been no indication of any chafing against his leadership and his policy was carried out faithfully by his subordinates. Again he carried out two missions to Canada and London, one eminently successful, the other not. Yet both times he seems to have been able to negotiate or to compromise without difficulty. One is drawn to the conclusion that he was essentially a leader, whether in creating public opinion or in expressing it, and as such he was extremely successful. He was never successful as a subordinate.

It seems strange that he did not recognize this himself and choose the field of provincial politics where he already held the position of premier with every indication of keeping it or being the leader in opposition for a good many years. Instead he chose the Dominion field where there was no possibility of a representative, from the province which would always remain in opposition until the railway controversy was finally settled, ever gaining a position of importance. It was ambition, "that last infirmity of a noble mind" which led him to make the decision. He always had the hope that he would
secure recognition there.

One understands him but one regrets that the wider field has always attracted all the public men of first rank, to the detriment of their own province. Probably no province has had more reason to regret this than British Columbia. He must also be blamed therefore for adopting this course which has had such ill effects on his adopted province. This could be forgiven if he had accomplished any great purpose in Ottawa, but any other man could have accomplished as much or as little. It is possible, on the other hand, that if DeCosmos had stayed at the head of his government in British Columbia he would have been able to initiate party government in its true form into the Legislature. He had always advocated it and more than any other man in the province understood it. He had the support of the Legislature and the people to a certain extent through the liberal measures which his government had initiated. It is possible, therefore, that gradually he would have educated the Legislature to accept party government as the correct way to work responsible government. Instead he left his task in British Columbia half done.

This criticism must be brought against DeCosmos more than once. He commenced many things but he finished only a few. Only too often was it left to someone else to put the finishing touches to his efforts. This is not entirely his fault but more often it was the result of factors outside his control. In the case of responsible government, it was his faith in the home government which made him seemingly abandon it. It was
the duplicity of the advisers of the home government which prevented his belief in its fairness being upheld. Union he did carry through to a successful conclusion but only at the expense of many of his most cherished beliefs and by the loss of much of his popularity. Yet union was only the first step in the greater union which he also was to initiate. Here he was not to have the honour of putting the finishing touches, because of the strength of officialdom, the supineness of a governor and the strong opposition of a group of Englishmen. When a new set of conditions arose with a strong governor who took matters into his own hands, DeCosmos was left out of the management and the very men who had most strongly opposed Confederation were given the credit for finally winning it.

Such a reward for faithful service would have disheartened the ordinary man but DeCosmos seemed to have an extraordinary perseverance and buoyancy. He continued in the career that he had mapped out for himself, and although, as has been pointed out, he never reached the heights to which he had aspired, he received more recognition than had been his lot before. The rewards he received were not to be lightly set aside as those given to a man of lesser importance—premier of a province, member of the Dominion House, editor and proprietor of a paper. Sproat says that these were the most notable years of his career. It is difficult to agree with him. DeCosmos was more interesting, his work seems more inspiring, in the years when he struggled, sometimes successfully, often mistakenly, but always courageously, for the aims he always had before him.
Compared to his contemporaries in British Columbia he looms large as a figure, both distinctive and colorful; and more important, as a man with the understanding, forethought, and originality, which dwarf the petty squabblings and childish theories of many of his fellow British Columbians. He consistently kept his aims before him—although seemingly inconsistent because of local conditions—a free press, and an enlightened public which would take an intelligent interest in and help to work the free institutions which he hoped to win for the province; and having won these things, his final aim was to help to form a new nation of Canadians as distinctive from and, in a friendly way, vieing with the Americans to the south, while remaining under British institutions and traditions.
APPENDIX A.

Lists of Members of the Legislative Council of British Columbia, 1867-1871.

1. Session 1867.


2. Session 1868.

Executive Council. The same members, except that Young was Acting Colonial Secretary and Presiding Member, in place of Birch. Robert Ker was Acting Treasurer, and Wood was no longer a member.


Selected Members. The same except that Southgate, Nanaimo, has resigned.


Executive Council. The same except, Arthur Bushby, Acting Postmaster-General, and Ker is no longer a member.


4. Session 1870.

Executive Council. The same except, Philip J. Hankin, Colonial Secretary and Presiding Member in place of Young, Helmcken and Carrall, unofficial members.

Justices of Peace. The same.


5. Session 1871.


Appointed along with these. A. F. Pemberton and Edward G. Alston, Justices of Peace.

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British Columbia Archives.
Letter of State Librarian of Sacramento Library to Mr. Beaumont Boggs.

This gives the legal means by which DeCosmos changed his name.


An account of the famous long speech, as seen by an American observer.

Correspondence Book of House of Assembly. Vancouver Island, 1856-1859.

Daily Standard. In detail from 1870 to 1874. From then only separate numbers are used.

This paper also contains many of DeCosmos’s views, as shown in his editorials. It is interesting to compare these editorials with those of the Colonist.

Debates of the Canadian House of Commons. From 1872 to 1882.

A first hand account of DeCosmos’s work in the Canadian Parliament.

Debates of the Senate. 1875.

Shows the feeling there on the Esquimalt and Nanaimo Railway Bill, which was defeated.
Debate on the Subject of Confederation with Canada. Reprint from the Government Gazette Extraordinary of March, 1870. Victoria, King's Printer, 1912.

All the speeches in detail of the members of the Legislative Council.

DeCosmos Papers. In the British Columbia Archives.

There are letters of DeCosmos's to various people.

DeCosmos's Scrap Books. In the British Columbia Archives.

Principally newspapers' clippings, during the years that he was in the Assembly, 1863-1866. They are taken from both friendly and rival papers and the contrast of their opinions of DeCosmos is enlightening.

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