ARCHIVES OF BRITISH COLUMBIA

MEMOIR NO. VI.

# THE EARLY HISTORY OF THE FRASER RIVER MINES

BY

HIS HONOUR FREDERIC W. HOWAY
JUDGE OF THE COUNTY COURT OF NEW WESTMINSTER

PRINTED BY
AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

VICTORIA, B.C.:
Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1926.

THE UNIVERSITY OF
BRITISH COLUMBIA
LIBRARY

This book is a

*Gift*
from
*Helen and*
*Philip Akrigg*

15

ARCHIVES OF BRITISH COLUMBIA

MEMOIR NO. VI.

# THE EARLY HISTORY OF THE FRASER RIVER MINES

BY

HIS HONOUR FREDERIC W. HOWAY
JUDGE OF THE COUNTY COURT OF NEW WESTMINSTER

PRINTED BY
AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

VICTORIA, B.C.:
Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1926.

PROVINCIAL LIBRARY,
VICTORIA, B.C., 1926.

*The Hon. William Sloan,*
*Provincial Secretary, and Minister of Mines,*
*Parliament Buildings, B.C.*

SIR,—I have the honour to transmit herewith the sixth memoir of the Provincial Archives Department, entitled "The Early History of the Fraser River Mines," contributed by His Honour Frederic W. Howay, Judge of the County Court of New Westminster and a leading authority on the early history of British Columbia.

The main body of the work consists of official correspondence taken from the original documents in the Provincial Archives; these have been carefully annotated by His Honour Judge Howay, who has also furnished a very complete introduction to the work which is a valuable addition to the literature of this interesting period of the Colonial history of British Columbia.

I have the honour to be,
Sir,
Your obedient servant,

JOHN FORSYTH,
*Librarian and Archivist.*

## CONTENTS.

PAGE.

Introduction ..... vii.

Address of His Excellency Governor Douglas ..... 1

Correspondence of Richard Hicks from October, 1858, to June, 1859 ..... 3

Correspondence of Judge Begbie from January, 1850, to March, 1859 ..... 23

Miscellaneous documents relating to origin of "Ned McGowan War" ..... 54

Correspondence of Chartres Brew from November, 1858, to April, 1859 ..... 60

Miscellaneous documents ..... 120

## ILLUSTRATIONS.

PAGE.

Early view of Yale.....Frontispiece.

Interior of Fort Langley, 1858..... xi.

The steamers "Beaver," "Colonel Moody," and "Enterprise".... 25

"Ned" McGowan ..... 56

Fort Langley exterior..... 65

Chartres Brew ..... 87

Robert T. Smith..... 94

J. C. Haynes..... 100

A miner working in a sluice..... 105

Chartres Brew's grave at Barkerville..... 117

Early view of Yale, B.C.

# INTRODUCTION.

Time rolls his ceaseless course. The race of yore,
Who danced our infancy upon their knee,
And told our marvelling boyhood legends store,
Of their strange ventures happ'd by land or sea,
How are they blotted from the things that be!
How few all weak and wither'd of their force,
Wait on the verge of dark eternity,
Like stranded wrecks, the tide returning hoarse,
To sweep them from our sight! Time rolls his ceaseless course.

AS THE years pass by and take their toll of the pioneers the interest in the story they had to tell deepens. 'Tis sixty-seven years since the great gold-rush to the Fraser River; and few, if any, of that first onrushing tide of gold-seekers yet remain with us. These men could recall, from personal experience, the conditions in California, when, after almost ten years of unprecedented production, the placers, like thoughtless spendthrifts, found their wealth exhausted and had little left to bestow, at any rate upon the individual miner. In 1858 the California miners were eager and restless, if not downhearted. They were, as one has said, "industrially desperate."

In the spring of 1858 there went out to the world—that is, to California, which was the nearest civilized spot that had a mining population—rumours of the existence of gold in the bars of the Fraser. It was known that the gold was fine, but this constituted an incentive rather than a detriment, for, arguing from the analogy of the Sacramento, the Feather, and the San Joaquin, the Californians concluded that higher up the river rich and extensive placers must exist. Then began a great exodus. The worm-eaten wharves of San Francisco fairly trembled under the weight of eager humanity hurrying to reach the new El Dorado. Steamers and sailing-vessels departed almost daily, loaded to the guards with miners and with the human flotsam and jetsam that invariably gathers at the prospect of easily acquired riches. Beginning in April the rush continued through May, June, and July. It was at its height in June, when nearly ten thousand adventurers are said to have left San Francisco for the Fraser River; during the first ten days of July six thousand more sailed; it is estimated that the total number who came by land and water was between twenty-five and thirty thousand. In the words of the Rev. R. C. Lundin Brown: "In short, never in the history of the migrations of men has been seen a 'rush' so sudden and so vast."

These adventurers knew but little of the country to which they were bound. That region, the mainland of British Columbia, was then unorganized territory, in which the Hudson's Bay Company had a licence of exclusive trade with the Indians. It had no government, no towns, no roads, no means of transportation—none of the organization or accompaniments of civilization. For fifty years and more the fur-traders had been in possession; but the only evidences of their existence were some eight or ten trading-posts or "forts," a few "brigade trails" in the interior, and a little farming at Fort Langley.

English law prevailed in the land. It is possible that justices of the peace existed—on paper—for there is no evidence of their having acted as such. In any event, their jurisdiction was limited to trivial matters. Serious crimes were by the old Acts of George III. and George IV. to be tried in Upper Canada, which meant, practically, that they would not, and could not, be tried at all. Hence it is scarcely an exaggeration to say that on the mainland of British Columbia there was no law but the "law of the club and the fang."

To this unorganized and uncivilized country the gold-seekers were hurrying. The vessels from San Francisco landed them, first at Esquimalt, but later at Victoria. About one hundred and sixty miles still lay between them and their Mecca, the bars of the Fraser. The first-comers transported themselves as best they could. Some built boats for the journey; some hired Indians with their canoes; some obtained passage in a tramp "plunger," or sloop, to Langley and trusted to the future for the remainder of the way. The only British steamers on the coast were the "Beaver" and the "Otter"; but they were quite incapable of stemming the swift current of the upper Fraser, and, besides, were of too heavy draught to venture much beyond Langley.

James Douglas, who then occupied the dual positions of Governor of Vancouver Island (which had been a colony since 1849) and the head of the Hudson's Bay Company on the Pacific Coast, seeing this great inrush, took upon himself, of necessity and as the nearest government official, to represent the Crown upon the mainland. He had already issued regulations regarding the digging of gold and now promulgated the terms upon which people might enter the country. His action was approved by Sir Edward Bulwer Lytton, the Secretary of State for the Colonies, and he was requested to continue until Parliament could meet and pass the necessary Act to form the Colony of British Columbia.

As in every large gathering, the adventurers were from all walks of life and of greatly diverse characters. The majority were, and wished to be, well-behaved and law-abiding; but in the influx had come

many with unsavoury reputations—loafers and idlers, gamblers, roughs and toughs, San Francisco "boatmen," ex-convicts, and murderers. As Judge Begbie says, the "lives of some of them would not be worth an hour's purchase in any street in San Francisco." Douglas had indeed a difficult task before him: to organize a civilized and peaceable community out of this unpromising material; to enforce the law, maintain order, and punish crime; to provide means of transport on land and water; to explore the country and survey towns and agricultural lands; and to do all this out of current revenue—for Sir E. B. Lytton seemed to think it strange that a community brought into existence only by the presence of gold should need monetary assistance. It is not surprising that Douglas asked at once for a detachment of soldiers; in response Colonel Moody was sent out in command of a body of Royal Engineers.

In California, whence the miners came, law had been so poorly enforced and life had been held in such small esteem that the people had been compelled twice to rise in their power and form Vigilance Committees to arrest and punish malefactors and to protect life and property. These self-constituted bodies had, in 1851 and again in 1856, usurped the positions of the feeble courts and had been both accusers and judges. They had tried and hanged many murderers; others they had deported or ordered to leave the state. Opposed to the Vigilance Committee was the Law and Order party. In the migration to British Columbia were included "Vigilantes" as well as "Law and Orders," and naturally they both brought to this new land the animosities engendered in the old. But the strong hand of Governor Douglas and the stern justice of Judge Begbie soon made them realize that conduct which had been freely permitted in California would not be tolerated under the British flag. In the correspondence of Judge Begbie and Mr. Brew herewith reproduced will be found references to the smouldering trouble between these two factions; it will, however, be observed that it went no further than useless threats or a trifling assault.

To provide transportation from Victoria to the mining region Douglas issued "sufferances" to American steamers for a limited period. He strove to impose terms requiring them to carry the goods of the Hudson's Bay Company only, and also to pay to that company "as compensation" two dollars for every passenger carried by them into the mining region. These restrictions were immediately disallowed by Sir E. B. Lytton; but in the interval they were the source of much friction. Under the "sufferance" plan the American steamers "Surprise," "Umatilla," "Enterprise," "Seabird," and "Maria" during the

summer of 1858 were in the carrying trade between Victoria and Fort Hope. The "Surprise" was the first steamer to ascend the Fraser beyond Langley; she arrived at Fort Hope on Sunday, June 7, 1858. Two British vessels, "Governor Douglas" and "Colonel Moody," were soon built for the trade; included in this volume will be found a petition from their owners for an exclusive right of navigation for one year between New Westminster and Douglas and Hope.

In June, 1858, Douglas, who as yet had no legal authority as Governor of the mainland—and he did not become Governor of British Columbia until September 2, 1858—appointed three officials whose names frequently appear in the annexed correspondence: Richard Hicks, as Revenue Officer and Assistant Commissioner of Crown Lands at Yale; George Perrier, as Justice of the Peace at Hill's Bar; and O. Travaillot, usually styled Captain Travaillot, as Revenue Officer and Assistant Commissioner of Crown Lands at Lytton. In September, 1858, he appointed Robert T. Smith as Justice of the Peace and Revenue Officer at Fort Hope.

The Act creating the Colony of British Columbia was passed on August 2, 1858; James Douglas was appointed Governor on September 2, 1858; and on the same date his instructions were signed, authorizing him to make laws for the peace, order, and good government of the colony, an unusual power, only justified by the unique conditions; and by an instrument of the same date also the exclusive trading privileges of the Hudson's Bay Company were abrogated. At the same time Matthew Baillie Begbie, afterwards Sir Matthew, was appointed the Judge of the colony. But by the time these documents reached Victoria and Judge Begbie had arrived over two months had elapsed. Finally on November 19, 1858, at Langley, the ceremony of swearing in the officials and formally launching the colony was performed. The only account extant of this important event is herewith reproduced:—

"INSTALLATION OF THE GOVERNMENT OF BRITISH COLUMBIA.

"NEW FORT LANGLEY, 20th November, 1858.

"*Editors, Gazette:*

"Yesterday, the birthday of British Columbia, was ushered in by a steady rain, which continued perseveringly throughout the whole day, and in a great measure marred the solemnity of the proclamation of the Colony. His Excellency Governor Douglas, with a suite comprising Rear-Admiral Baynes (commanding the naval forces on the Pacific station); Mr. Cameron, the respected Chief Justice of Vancouver Island; Mr. Begbie, the newly appointed Judge of British Columbia; Mr. Lira, and others, proceeded on board H.M. ship 'Satellite,' Captain

Interior of Fort Langley looking south, showing Hall on right. From an original drawing made in 1858 by E. Mallandaine.

Prevost, on Wednesday morning, by the Canal de Haro to Point Roberts, where His Excellency remained during the night. On Thursday morning His Excellency and suite were conveyed by the Hudson's Bay Company's screw-steamer 'Otter' to the Company's steamship 'Beaver,' which was lying moored within the mouth of Fraser River. Both vessels then proceeded in company as far as Old Fort Langley, where the 'Otter' disembarked a party of eighteen sappers under the command of Captain Parsons, who immediately embarked on the 'Recovery' revenue cutter, joining the command of Captain Grant, R.E., who had previously reached this spot with a party of the same corps. Both these gallant officers have recently arrived from England with small parties of men under their command. The 'Beaver' then proceeded with His Excellency aboard to New Fort Langley, where preparations were made for the ceremonial of the following day.

"On Friday, the 19th inst., His Excellency, accompanied by his suite, and received by a guard of honour commanded by Captain Grant, disembarked on the wet, loamy bank under the Fort, and the procession proceeded up the steep bank which leads to the palisade. Arrived there, a salute of eighteen guns commenced pealing from the 'Beaver,' awakening all the echoes of the opposite mountains. In another moment the flag of Britain was floating or, to speak the truth, dripping over the principal entrance. Owing to the unpropitious state of the weather, the meeting, which was intended to have been held in the open air, was convened in the large room at the principal building. About 100 persons were present.

"The ceremonies were commenced by His Excellency addressing Mr. Begbie, and delivering to him Her Majesty's commission as Judge in the Colony of British Columbia. Mr. Begbie then took the oath of allegiance, and the usual oaths on taking office, and then, addressing His Excellency, took up Her Majesty's commission appointing the Governor, and proceeded to read it at length. Mr. Begbie then administered to Governor Douglas the usual oaths of office—viz., allegiance, abjuration, etc. His Excellency, being thus duly appointed and sworn in, proceeded to issue the Proclamations of the same date (19th instant)—viz., one proclaiming the Act; a second indemnifying all the officers of the Government from any irregularities which may have been committed in the interval before the proclamation of the Act; and a third proclaiming English law to be the law of the Colony. The reading of these was preceded by His Excellency's Proclamation of the 3rd inst., setting forth the revocation by Her Majesty of all the exclusive privileges of the Hudson's Bay Company. The proceedings then terminated. On leaving the Fort, which His Excellency did not finally do until

to-day, another salute of seventeen guns was fired from the battlements, with even a grander effect than the salute of the previous day.

"On leaving the river-side in front of the town, a number of the inhabitants were assembled with whom His Excellency entered into conversation previous to embarking on board the 'Beaver,' and by whom he was loudly cheered in very good style as he was on his way to the steamer.

"VIATOR."

The letters that are in this volume consist of a part of the correspondence of Richard Hicks from October, 1858, to May, 1859; of Chartres Brew, the Chief Inspector of Police and Assistant Chief Gold Commissioner, from November, 1858, to April, 1859; of Judge Begbie from January, 1859, to March, 1859; together with a few scattered but illuminating documents. The selection, however, has been carefully made with the view of showing the men and the life of the time, the difficulties of maintaining order and collecting revenue, and generally the conditions prevailing in the Colony of British Columbia—that is, on Fraser River—when it was in its swaddling-clothes.

The papers open, naturally, with Governor Douglas's speech to the miners at Yale in September, 1858. That address gives a concise outline of some of the problems he had to face. It shows the Governor in a unique rôle. The occasion of his visit to Yale was the troubles that had occurred between the gold-seekers and the Indians. The latter desired to monopolize the mining and were jealous of their rights as the original occupants, while the miners were extremely arrogant and acted as though the natives had no claims whatever and were their natural enemies, and that, as one expressed it, "the only good Indians are the dead ones." Fire-arms and fire-water fed the flames of incipient trouble, and soon the natives became so threatening that the whites who had ascended the canyons were forced to flee for their lives. Some, who were unable to escape, were killed, and their bodies, in some instances scalped, came floating down the turbulent river. A punitive expedition of over one hundred volunteers was organized by the gold-seekers and dispatched towards Lytton. This display of force, aided by a little diplomacy, brought an amicable understanding. When the news of this disturbance reached Governor Douglas, late in August, 1858, he, supported by Colonel Hawkins and fifteen of the Royal Engineers of the boundary survey with twenty marines from H.M.S. "Satellite," set out at once to preserve order in the Fraser River mines. But before his arrival there peace had been concluded.

Mr. Hicks, some of whose letters are reproduced, was a complete failure in his position as a Crown officer. This was not altogether

from lack of ability, but from want of character. He was unsuitable, undiplomatic, and undignified; but, worse than that, he was dishonest and guilty of using his public office for his private gain. The charges against him, set out in these papers, which were investigated by Judge Begbie and Mr. Brew and found to be well established, his own records, and his own admissions, all unite to condemn him. When he was dismissed for misconduct those who rallied to his support and passed the resolutions set out in these papers were the miners of Hill's Bar, many of whom were of the worst class, the dregs of California, and some of whom had been driven out of that state by the Vigilance Committee of 1856.

Mr. Brew was appointed by Sir E. B. Lytton and sent out to form a police force suitable to the needs of the new land and its motley population. One of his difficulties was to procure men of the proper stamp to act as peace officers. Some of those who had been appointed before his arrival were quite unfit and incompetent. He succeeded in attracting to the service many persons whose names stand out in the later story of the Colony; men like E. H. Sanders, W. G. Cox, J. C. Haynes, and Thomas Elwyn. A great deal of Brew's correspondence has been chosen to show the difficulty in the collection of the miners' monthly licence fee of five dollars. Their constant cry that they were not making enough to pay the tax is very different from the stories of great returns with which the papers of the day are filled. Gambling, the illicit sale of liquor, and smuggling are the evils that the police have mostly to encounter. It will be observed that there are practically no complaints of robberies; but murders were quite frequent. Yet even there it will be found that they, generally, arise from quarrels over gambling, or disputes over mining claims, or have some connection with old animosities.

The central item in Judge Begbie's correspondence is the "Ned McGowan War." Many versions of that opera-bouffe "war" have been given. The usual sources are either Lieutenant Mayne's "Four Years in British Columbia" or the items in the newspapers of the time; but in the letters of Judge Begbie, of Colonel Moody, and of Mr. Brew are contained the official reports of those whose business it was to ascertain the facts. Judge Begbie's account will be taken hereafter as the correct story. His correspondence contains many sidelights upon the early administration of justice; in it can be seen from the outset that determination to maintain order and that stern impartiality which soon made it plain to all that the lawlessness of California could not be implanted in the soil of British Columbia.

Concurrent documents dealing with the "Ned McGowan War" and supporting Judge Begbie's statements are also given: The short report of Colonel Moody, dated 17th January, 1859; the letter from Mr. Perrier, the justice of the peace at Hill's Bar, justifying the arrest of his brother magistrate, "Captain" P. B. Whannell, of Yale, through the instrumentality of "that notorious villain Edward McGowan," together with the affidavit of Thomas Piesley which doubtless was enclosed with it; and the letter from "Captain" Whannell containing an exaggerated and biased account of the difficulty between himself and Perrier arising out of contempt for their respective dignities which set in motion the whole law-enforcing power of the infant colony. The effort that Whannell makes in that letter to link the trouble between himself and Perrier with the murder he mentions—with which he knew that the actions of the Hill's Bar magistrate had no connection—and his exaggerated and inflammatory language will cause readers to wonder why he was not dismissed as well as Perrier; Whannell was equally to blame for the affair. Judge Begbie characterized them both as "alike ignorant of the law, surrounded by evil counsellors, and carried away with the most unbounded ideas of the dignity of their offices and themselves." In his opinion neither of them was fitted for his position. Beyond this incident Whannell's conduct as a magistrate appears extreme, if not, as the miners called it, "tyrannical." As a side-light upon his character the report of his misdeeds in Australia is illuminating.

To appreciate the prompt action of Colonel Moody in taking an armed force of about one hundred and twenty-five men up the river in midwinter to quell a supposed insurrection it is necessary to keep always in mind the bad reputation that the miners of Hill's Bar unfortunately had. Amongst them was that arch-renegade, Ned McGowan. As he became the storm centre a short sketch of his life will show why any unlawfulness in which he was concerned would be closely scanned by the authorities.

McGowan was born in Pennsylvania. In his youth he learned the trade of a printer, which he followed, on and off, during the remainder of his life. Becoming interested in politics and being self-possessed, resourceful, crafty, unscrupulous, and a fiery debater and public speaker, he soon rose in the councils of his party. He studied law and was finally elected a member of the State Legislature. In a debate in the House he attacked unfairly and unmercifully the Governor of Pennsylvania. One of the newspapers took up the cudgels in defence of the official and berated the young politician; in revenge McGowan assaulted and stabbed the editor. Succeeding in escaping

punishment, he returned to Philadelphia, where he soon became a captain of police. He consorted with the most dissolute characters in the city, and, being suspected of complicity in the robbery of the Chester County Bank, he fled in disguise. He was arrested, but again succeeded in escaping punishment. Two years later (1849) he arrived in California, then a wild place. McGowan was amongst the wildest of the wild. He became a political power, or rather a power politically, by means of the famous ballot-box with false bottom and sides. He was soon elected a justice of the peace and, in 1851, an associate justice of the Court of Quarter Sessions. Resigning this position, he continued on his downward course and became notorious as the boon companion of gamblers and thugs and of the denizens, male and female, of the underworld. In May, 1856, lawlessness reached its height when James King of William was murdered by James P. Casey. As a result the Vigilance Committee of that year was organized. One of its first steps after obtaining Casey was to charge McGowan as accessory to that murder; but he was nowhere to be found. Of him the chairman said: "The chief of the vultures—the notorious Ned McGowan—it has been difficult to find. He may be now in some cave in our midst. Probably he is now in some dark cellar at the base of Telegraph Hill, or some other invisible place, but he may yet come to light."

The note in the Vigilance Committee's black-list is: "Ned McGowan ran away about June 1st." High and low through San Francisco, but in vain, the "Vigilantes" sought him. After lying in hiding for many days and after numerous hairbreadth escapes he reached Mexico. Even there he was not safe; they followed him; they tracked him from hiding-place to hiding-place; but he always succeeded in eluding them. After the excitement had died down and the Vigilance Committee had disbanded he returned to California. Through his instrumentality an Act was passed by the State Legislature under which he obtained a change of venue for the trial of the charge against him from San Francisco to Napa County. Napa was then a veritable Goshen for scoundrels of all kinds. The trial of McGowan as an accessory to the murder of King of William resulted in his acquittal by a Napa jury.

Then in the summer of 1857 he began the publication of a scurrilous paper, which under the names of the "Phoenix" and the "Ubiquitous" continued until February, 1858. The style of the publication may be inferred from what has already been said regarding McGowan's character, and if more be wanted it may be added that the issue of February 14, 1858, was seized by the police of San Francisco

as unfit for circulation. About this time he published a "Narrative of Edward McGowan, including a Full Account of the Author's Adventures and Perils, while persecuted by the San Francisco Vigilance Committee of 1856. Published by the Author, 1857."

Then the Golden Goddess, waving her wand of Chance and Adventure, summoned him to the bars of the Fraser. Of his life in British Columbia the letters of Judge Begbie and Mr. Brew enable us to obtain many glimpses. He has not changed but is a great deal more discreet. Leaving the colony in March, 1859, under the circumstances stated by Mr. Brew, Ned is next found in Tucson, Arizona, where he is following his two callings of printer and lawyer. Thence he drifts back to the Eastern States, and when he next appears he is an Assistant Sergeant-at-Arms in the House of Representatives. About 1883 he returned to the West and took up his residence in San Francisco, where he died, in 1893, a penniless, garrulous, and, strange to say, pious old man.

In reading the accompanying letters and reports it must be borne in mind that all numbers and all mileages are merely approximations. The mining population in 1858–59 is supposed to have been about ten thousand men, scattered along the river from the vicinity of Sumas to beyond Canoe Creek. The bars upon which they were working existed at almost every bend of the Fraser. "For ages the Fraser, rushing madly along, had torn away the gold-bearing rock, crushed it in its natural arrastre, and deposited the gold with the accompanying metallic sand in the eddies in those bends."

Between Hope and Yale, which was the centre of the mining, there were probably more than thirty bars named and worked; while between Yale and Lytton there were more than fifty; and upon them all the miners were at work with rocker or sluice to wrest from its hiding-place "the yellow root of evil." Langley was the only town on the lower river; it may have had a population of a few hundred; in Hope there were then, perhaps, five hundred people; Yale was the important spot: its inhabitants probably numbered three thousand; Boston Bar, now but a name, was then a real place with hotels, stores, and gambling-houses; Lytton is said to have numbered about one thousand inhabitants.

It is now in many instances impossible to identify with certainty many of the bars so well known and so populous in 1858–59. An effort has been made to indicate as accurately as possible the situation of some of those mentioned in the correspondence. It is, of course, realized that errors will, in all probability, be found in these attempted identifications. As an instance of the difficulty of accurately fixing these various bars reference may be made to the reports of Mr. Sanders

of April 6 and April 23, 1859; it will be seen that all his distances are exaggerated and at times the sequence is not observed.

The notes have been made as brief as possible; no attempt has been made to include complete biographical sketches, nor complete historical information; and in many instances the printed and easily accessible sources have merely been indicated. Where quotations have been included it will usually be found that they are from manuscript or other material not readily obtainable. The Parliamentary Papers, in four parts, known as "Papers relating to British Columbia, 1859–62," are a perfect mine of information on the subjects dealt with in the correspondence; but to have included all references to those papers was quite impossible within practical limitations of space.

The hope is entertained that this volume will serve to make more widely known the wealth of basic material relating to the story of the province that is preserved in the archives; that these letters, which are but the merest fragments of the correspondence of the mining days, will be found useful to the student of the history of British Columbia; and that their perusal will aid the reader to visualize the conditions under which the colony came into existence in those early days—"the days of old, the days of gold."

F. W. HOWAY.

# EARLY HISTORY OF THE FRASER RIVER MINES.

## CORRESPONDENCE OF RICHARD HICKS FROM OCTOBER, 1858, TO JUNE, 1859.

### Address of His Excellency the Governor to the Inhabitants at Fort Yale, September 12th, 1858.

Gentlemen,—I understand that you assembled yesterday on my arrival here, not only to welcome the Representative of our Most Gracious Lady the Queen, but also to learn from me the views of the Queen's Government about this country.[1]

It is not the custom with Governors of British Provinces to address the public, but as this is a particular occasion, and the circumstances are peculiar, and as you have expressed a wish to learn the truth, I will depart from the custom and explain to you in a few words what are the views of the Government in relation to this country.

(1.) In the first place, I am commanded to say to all Her Majesty's native-born subjects that this is their country, and that their country opens wide her portals to receive them from whatever part of the world they come, and that they will enjoy here all the rights, privileges, and immunities of British subjects.

(2.) In the second place, I am commanded to say to the citizens of that great republic which, like the mustard-seed, has grown up into a mighty tree, and gives shelter to the oppressed of all nations, that offshoot from England of which England is still proud—I am commanded to extend to you the right hand of fellowship and to give you a hearty welcome to our country.

And not less to you gallant Frenchmen, with whose country England is so closely allied, I am commanded to give a hearty welcome, as well as to the natives of other foreign countries I am commanded to offer friendship and protection.

Our Gracious Queen commands me to receive you with kindness, and to allow you to dig for gold in her dominions, and to offer you

(1) "We found a large assemblage of people at Fort Yale expecting our arrival with some anxiety in order to ascertain the views of Her Majesty's Government. According to their earnest request, I met them the following day at a public meeting and delivered a short address, in which I announced the instructions I had received from Her Majesty's Government, as contained in your dispatch of the 1st of July last, and the tidings were received with satisfaction." Letter, Douglas to Lytton, October 12, 1858, in Papers relating to British Columbia, Part II., p. 4.

the protection of British laws, as long as you obey those laws and pay the Queen's dues like honest men.

Now for a word about the country. Colonies cannot be established without the consent of Parliament. Frazer's River is therefore not yet open for settlement, but we learn by last accounts from England that the subject was before Parliament, and, as public opinion is strongly in favour of colonizing the country, there is little doubt that the measure will pass. In the meantime what is to be done? Many of you, I know, wish to settle in the country, and wish to build and to make yourselves comfortable before winter sets in. I have therefore adopted a plan which will meet the prospective views of Government, and your wants at the same time, by giving you the necessary amount of protection.

I have decided, entirely on my own responsibility, to give you the only title that can be granted for land at present.

I have given orders to Mr. Hicks, the Commissioner for Crown Lands, to have a townsite surveyed here, and to dispose of building lots to any person wishing to hold them under lease, with a pre-emption right when the land is sold by the Crown. This will give confidence and security to every one.

In the same manner I have given Mr. Hicks instructions to lay out the farming lands near the town in convenient lots of 20 acres and to make grants of them under the same tenure.

I have also given him instructions to permit the building of saw-mills, to establish ferries, to open roads, and generally to carry out the views of Government in the manner best calculated to give development to the resources of this glorious country.

I have now said all that relates to your individual interests, and have further to assure you that the laws will be administered with justice and impartiality; and I have to exhort you all to aid and support the civil officers in the discharge of their duties.

Every wise man and every good man knows the value of good laws, and every man who expects to receive their protection when he himself gets into trouble must be ready at all times to come out manfully in support of those laws.

Let all do so, and there will not be a better or more quiet community in any part of Her Majesty's dominions than will be found at Yale.

On our way up the river we stopped at nearly all the mining bars, and found the people healthy, happy, and prosperous, and I am proud to say what is much more to their honour, I found among the miners

a degree of probity, of good order—aye, and intelligence, that I was not prepared to expect.

Gentlemen, I have now done and I have only further to wish you all well.

---

VICTORIA, VANCOUVER'S ISLAND,
27th December, 1858.

DEAR MR. BLACKWOOD,—I have much pleasure in acknowledging your note of the 1st of November last, accompanying Sir Edward Lytton's Despatch No. 35 of the 1st of November; which though unsigned will meet with all due attention and respect.

Col: Moody[2] and party arrived here on the 25th, not in time, I regret to say, to take part in our Christmas festivities, which would have been all the gayer for his presence. Our quarters are rather crowded at this moment, in consequence of so many official arrivals, and the want of official residences, but we have contrived through the kindness of friends to procure temporary house accommodation for the whole party.

The weather is at present fine, and the opposite hills still retain their hue of green; a single Castile rose, somewhat faded, was picked yesterday, and the humble Daisy-heart's Ease, and wall flower, growing exposed in my garden, have not yet entirely lost their bloom. Those few facts will perhaps give a clearer idea of the climate than any description.

With respect and best wishes

very faithfully

JAMES DOUGLAS.

The Mail Steamer will leave in a very short time—and I will therefore probably have no time to address Sir Edward Lytton by the present mail in reply to his late Despatches.—J. DOUGLAS.

---

SUNDAY MORNING,
October 17th, 1858.

*To His Excellency Governor Douglas.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour of acquainting Your Excellency that another attempt at murder was committed on Friday, and this morning little or no hopes are entertained of the poor man's recovery.[3] I have taken the depositions of the wounded man, and properly attested; all that

(2) Colonel Richard Clement Moody, the commanding officer of the detachment of Royal Engineers which was sent out to aid in the maintenance of order and the development of the colony.

(3) The killing of Isaac C. Miller by Henry Post. The trouble arose over the right to a claim at Madison Bar above Yale. Post claimed the ground, as being the first upon it, but Miller denied his right because he had never worked the ground nor staked it off.

could be done to relieve his sufferings have been done; he is under the care of Dr. Fifer,[4] of this Town. In prosecutions so very distant from Victoria, will it be required to send witnesses or will Affidavits taken and made here answer the ends of Justice? I forward Your Excellency the copies of the examination and I committed the Prisoner to Victoria to await the result of the prosecution. W. Kirby[5] will deliver him over to the authorities at Victoria.

Last evening and about an hour after the excitement of the above had in some degree abated, Officers Carey[6] and McLane were informed that the notorious Joseph Foster was coming up with a Canoe-load of liquor; they waited for him, and he came boldly up to the landing expecting he would not be noticed. He was asked for the permit. He replied that he would get it in a few minutes and took the Officers up in Town for that purpose. Foster in the meantime orders his Indians down the river, etc. This is the third time Foster has been known to smuggle Liquors into Fort Yale, but always evaded the officers until now. I have committed him to Victoria for trial. The proceedings taken in these two cases have given general satisfaction and every confidence is felt that Justice will take its course and life and property be protected.

**Answered.**
**To be referred to reasons for reducing licence.**

Mr. Pearkes[7] will be pleased to advise me by return what further action will be required.

I received a notice from Mr. Collector Anderson[8] that all licences were for the future not collected at Victoria. I will have copies made and posted in different parts of my district.

I have been with Mr. Pemberton[9] and his assistant, Mr. Wells, half the week, and the great pressure of business at Fort Yale, and being constantly obliged to visit different parts of the mines, I have not been able to finish the collecting of the miners' licences; about 4 miles above here will complete my district.

Your Excellency stated that alterations were in contemplation with respect to the collection of miners' licences. I would most respectfully suggest that a quarterly licence of five dollars be collected instead of monthly, which will realize a larger revenue because we can then make all pay, rich and poor claims; as it is now, the great bulk of the

(4) M. W. Fifer, M.D., a physician then practising at Yale. He was later murdered at Yale.

(5) William Kirby, one of the police force at Yale. He had lived in Australia before coming to the gold-diggings of British Columbia. He soon left the service.

(6) Joseph W. Carey, one of police force at Yale. He was later a well-known resident of Victoria.

(7) George Pearkes, the Crown solicitor of Vancouver Island, but acting for British Columbia also.

(8) Alexander Caulfield Anderson, for many years in the employment of the Hudson's Bay Company and at this time Collector of Customs at Victoria.

(9) John Despard Pemberton, Surveyor-General of Vancouver Island, but then engaged in surveying the townsite of Yale.

claims do not pay over two dollars per day to the man. The taxation of claims in Australia was compelled to be given up in consequence of the miners not being able to pay it; and should Your Excellency adopt this course I now propose, I assure you you will stand higher still in the estimation of all classes. I most earnestly entreat Your Excellency to take this course and that you will be pleased to issue your immediate Proclamation to that effect; all classes will be then satisfied, the Country will be benefitted, and the revenue increased very materially.

I beg to assure Your Excellency that my motives for introducing these suggestions emanate from a desire to see this new Colony prosper and its people happy, and, Sir, you will be honoured, adored, and almost worshipped by the people.

I attended a deputation of respectable miners on Thursday and heard their remarks with regard to the mines generally, and they consider the tax oppressive. I did not, however, give them any encouragement that you would alter the tax; I only promised them to write Your Excellency on the subject. Waiting your reply.

Believe me, Your Excellency's
Obt hble servt,
RICHARD HICKS.

*Fort Yale District.*

---

*To His Excellency Governor Douglas.*

MAY IT PLEASE YOUR EXCELLENCY:

I take leave to present you with a report of the prospect of the mines in my district, and in doing so have much pleasure in observing that everything is quiet, and very extensive preparations are being made for mining in the Spring.

I forward Your Excellency a list of water privileges that are granted to parties for mining purposes. There are several large water Companies who are making watercourses upon different plots or flats on Fraser River, their object being to erect Flumes in some places that will supply more than one thousand claims; it is by such means and enterprise that the Country will be prospected.

I also forward you a diagram of "Prince Albert" flats.[10] The most extensive preparations are being made for opening these mines, and upwards of four thousand men can work on this flat when the water comes in the claims. I have measured off myself, allowing to each miner twenty-five feet frontage and five hundred feet in depth,[11]

(10) Prince Albert Flat, about a mile above Emory's Bar and three miles below Yale.

(11) Presumably Mr. Hicks placed this limit of depth of the claims on dry diggings under the discretionary powers given in his instructions. *See* these in Papers relating to British Columbia, Part I., p. 82.

being the first dry diggings discovered on Fraser River. The twenty-six claims allowed to Mr. MacHenry[12] I have reduced to one claim each, by mutual consent, in consequence of the depth of the claims being on a liberal scale; each miner looks forward with confidence of reaping a golden harvest. There are two water Companies hard at work making ditches for conveying the water to the flat; it will take some time, perhaps a month or more, before they will be able to get in the water.

I have heard nothing more of the reported "Silver-mine" nor seen any of the men who discovered the lead; other parties are now in search of the continuation of the mine. Your Excellency shall know the result of their labours. I understood Mr. Williams had taken specimens of the Ore to Victoria.[13] All I can procure I forward herewith.

I am sorry to state that Hill's Bar is worked out; the flat at the back of the Cabins, however, proves very rich. I have marked out the line of high-water mark on this bar; some of the miners have taken great offence, expecting they could dig up to the very mountain on this flat, and indeed the mountain or side-hill will soon be worked.[14] A water company have already commenced to dig a ditch for conveyance of water for the miners here, and will be completed in about five weeks; this ditch will cost about Four thousand dollars.

On American[15] and Santa Clara[16] bars the miners are also waiting for water, which is being conveyed in a ditch about two miles long from a Lake at the back of Texas Bar. The parties are Messrs. King, Severe, and McKay; they are now employing sixty-eight men on the work, the cost of which, I understand, will exceed five thousand dollars. Such men as Mr. King deserve encouragement for their enterprise.[17]

(12) John McHenry, Richard Dighton, Thomas Wolters, D. McLaughlin, W. Lee, F. Carstain, R. H. Maines, H. Knox, C. Johnstone, W. Grash, G. Grash, G. White, and W. Gilmore, being the discoverers of the flat, were "allowed to take up an additional thirteen next contiguous claims" by permission of Mr. Hicks on October 7, 1858. Later he substituted his own name for an absentee owner. He now reduces the original twenty-six claims to thirteen, each having a frontage of twenty-five feet.

(13) On October 3, 1858, Hicks had recorded for J. M. Williams, C. Hyder, and J. Steel "a mine of silver ore" situate, according to the record, "in an easterly direction from French Bar above Emory's and being eight miles, more or less, on the creek above French Bar." The description of the locality is now, and perhaps was then, quite unintelligible. The claim was a half of a mile along the vein and fifty yards on each side of the vein. This was in accordance with the regulations as published in the Victoria *Gazette*, August 5, 1858.

(14) By the "bar" Mr. Hicks means the portion below high water. The difficulty was to draw the line of high water. The bar claims were only twenty-five feet square, while the bench claims had twenty-five feet frontage. He refers to this again later. From the Victoria *Gazette* of September 28, 1858, it appears that the dispute as to the proper line became serious and that revolvers were drawn; but no shooting occurred. *See also* B.C. Papers, Part II., p. 28.

(15) American Bar was about four miles above Hope, on the right or opposite bank.

(16) Santa Clara Bar was immediately alongside of American Bar.

(17) Texas Bar was about seven miles above Hope, on the right bank and opposite Strawberry Island. On July 20, 1858, Mr. Hicks had granted to King, Severe, and Marshall the rights to the water in four creeks as well as in the lake. He was certainly encouraging them.

On Cornish Bar[18] very few claims pay to work with a rocker; here again water is being conveyed for sluicing and miners will shortly be able to work to better advantage. In all operations of fluming and sluicing, where the dirt only pays a cent to the pan, a man can earn $10 per day, whereas in a rocker he will not save more than $1, the gold being fine; it is almost impossible to save it without quicksilver.

Very little mining is doing above Fort Yale up to the Ferry[19]—indeed, hardly worth naming; the spring-time will, however, be better, the rain and cold driving miners down, together with the high price of provisions.

On the flat opposite Fort Yale the miners have sunk shafts and discovered good mining ground; consequently Mr. Wells did not survey the twenty acre lots for Garden purposes.[20] If this flat should prove rich, I presume Your Excellency will not object to have it worked; water can be carried up the river in a ditch from below Hill's Bar.[21]

Some Miners commenced sinking a shaft near the Indian house this side Fort Yale Creek and discovered good diggins of course gold. I was, however, compelled to stop further progress, otherwise Fort Yale Town would not exist; much disappointment was manifested by my interferance. I could not, however, do otherwise.

An immense extent of flat land opposite Strawberry Island[22] was a few days ago discovered to contain rich deposits of the precious metal, and much excitement was created in consequence. I was down on this flat on Friday last and was much delighted to find that eighteen cents to the pan was found at a depth of eight feet. The ditch Company No. 13 are making every exertion to bring the water on the flat from the Creek at the head of the flat, it will however take some time to complete the operation.

I have given Your Excellency some idea of the mining prospects which cannot be but most gratifying to your feelings, especially with regard to Prince Albert flat—above the rock named Albert head—at least one mile of frontage on the river I intend to survey off into claims of twenty-five feet frontage. Your Excellency will perhaps feel much surprised at the depth allowed for each claim. The striping of the top dirt does not pay within eight feet of the surface, it would not pay men to go to the great expense of fetching in water so long a distance

(18) Cornish Bar, otherwise Murderer's Bar, about four miles below Hope, on the same, or left, bank.

(19) The ferry at Spuzzum above Yale. This favourable crossing spot had been used by the Hudson's Bay Company as early as 1848.

(20) See the extracts from letters of Douglas dated September 5, 1858, and November 4, 1858, in Mr. Brew's letter of April 23, 1859.

(21) Hill's Bar was a mile and a half below Yale, on the left or opposite side. It was one of the earliest discovered, richest, and longest worked bars.

(22) Strawberry Island, about seven miles above Hope.

unless more extended privileges were granted; therefore it was to open these mines and encourage the men on that induced me to comply with their wishes. There is plenty of ground that pays, even up to the foot of the mountain, about one and a quarter mile back. I trust you will confirm the action I have thus taken.

I have very many difficulties to contend with, especially with regard to Water grants. Men are almost at times out of their cences and are determined to infringe on the privileges granted to others. I was compelled to issue Injunction notices to Messrs. Williams, Burns, and six others to restrain them from carrying a ditch from Santa Clara Creek on to the bar and flat, and very much interfering with other operations in progress.

All that can be done to carry on the mining operations of this Colony I will do to the utmost of my power. There are many elements that would, if possible, stay its progress, but I trust to overcome them all.

I stated to Your Excellency my opinion in a former Letter that the reduction on mining Licences would operate most beneficially. I mean that, instead of a monthly licence,[23] a Quarterly one be substituted of the amount of Five dollars. All miners can pay that amount, no complaint would be made, and I assure Your Excellency a sufficient revenue can be collected to support the Colony, because the poorest claim can afford and must pay the licence; as it is now, the miner cannot do it. I would also respectfully beg to observe that the collection of the licence will be more easy; it now takes upwards of a month to go over my district and I am called off to different points of my district to settle disputes, which retards the collecting considerably. All these obsticles could be remedied, and if the monthly system is to be retained, Your Excellency will, I am sure, allow me to appoint deputies to assist; these collectors must be paid, and it would be much better that the hard-working miner should have the advantage, if any.

In granting water privileges I have not neglected the interests of this new Colony; they will all be subject to taxation, monthly, when completed. I have fixed the amount at Five dollars for each sluce and flume, on some of the large flats forty or fifty sluces will receive water. I have little doubt but that next year more than two thousand sluce boxes will be in operation in this district.

A meeting of the miners on Hill's Bar was held last evening and a memorial (signed by the Chairman) to Your Excellency adopted. I beg to state that I have only done my duty in marking out the boundry

(23) The original license fee as fixed by the regulations of December 29, 1857, had been ten shillings a month, but in 1858 it had been raised to twenty-one shillings a month.

of high water mark, which seperates the river claims from the bank diggins. Mr. Allard, myself, and two of the oldest Indians on the river proceeded to the spot; the Indians ought to know best the bounds of the river. It took us a day to go over the ground; it was no interest to the Indians to deceive us, and I am sure they performed their duty manfully, altho' the miners swore and insulted them, to the disgrace of white men—as they call themselves. The fact is there are a set of men on the river who are doing their utmost to treat the Authority with contempt, and establish the same system as in California. I am happy to say that their are many exceptions and the general mass of the miners are well disposed; there are many such characters on Hill's Bar termed the Boatmen of San Francisco who care for no Law or order and if such men are to rule and have their own way, others of course will follow. It is not at all likely Your Excellency will sanction men holding a larger claim than is allowed by Law, if they do they will run back into Canada in time.[24]

Mr. Kirby having returned from Victoria handed me your Letter, and another I received this morning dated Oct. 13th by Mr. Kitson who came up with a boatload of Flour for Mr. Allard.[25] I will have the accounts ready by tomorrow and forward for your inspection. I would have done so sooner; the only reason is the want of accommodation for carrying on my duties. I shall in two weeks have my office ready, now you approve of the plan, and of the amount to be expended in its completion; after I get into my office I will forward Your Excellency a monthly account on the first of each of the month. I assure you I have little rest or time for myself. I am early and late at my post, and altho' Your Excellency intimates that parties complain of my public and private conduct, I am at all times ready to answer any charge that can be brought against me.[26]

All your wishes shall be complied with in every respect intimated in your kind favors. With the greatest respect,

I am, Your Excellency's

Most Obt. Hble. Servt.

RICHARD HICKS.

*Fort Yale, Oct. 26th, 1858.*

(24) *See* note (14), *ante*. The lengthy resolutions of the Hill's Bar miners passed at a meeting held in "the saloon of Mr. Patrick Martin" are published in the Victoria *Gazette*, November 6, 1858. They characterize Mr. Hicks as "an unscrupulous man, as well as a corrupt public officer, and altogether unfit and unworthy the position he now holds", and ask for his removal. Part of the trouble was caused by the conflict between the laws they had themselves established, with, as they claim, the Governor's approval, and the general laws that he had later promulgated.

(25) Ovid Allard, the Hudson's Bay Company's agent at Yale.

(26) These complaints continued to be made until the Governor dismissed Mr. Hicks on February 8, 1859. *See* Mr. Brew's letter, under date February 20, 1859, *post*.

*To His Excellency the Governor of British Columbia.*

MAY IT PLEASE YOUR EXCELLENCY:

Since I wrote my first Letter forwarded herewith miner's have sunk two shafts, one in front of the reserve of the Hudson's Bay Company and the other about one hundred yards above. At the back of the front row of stores in the Town of Fort Yale in one shaft as much as twenty-four cents to the pan was washed out at a depth of about ten feet; a rush was immediately made to stake out the whole of the ground which Mr. Wells surveyed off for the Town. I was compelled to put a stop to it, which produced some disappointment. If mining is allowed upon this flat, altho' it may prove ever so rich, the progress of the Town will be stayed, and we shall have to remove to another location; therefore Your Excellency will perceive that I am between two fires—the Miners and the Trader's. Whatever you may suggest for the best will I think be satisfactory; it is impossible to please all parties.

I herewith enclose a proposition from Dr. Fifer, together with an Account for another Post Mortem examination on a man who died very suddenly on Monday last, the Inquest papers will be forwarded to you in due course.

Mr. Brown, a respectable man, has applied for the appointment of Sexton for this district, he is well qualified for the Office.

I am much concerned to hear that Your Excellency has received Letters reflecting on my public and private conduct in my Official capacity. I court enquiry and at any moment can prove that I have performed the duties of my Office independantly and fearlessly, without favour and affection. People can more easily assert than prove, and so long as I have the high honour of your confidence I shall continue to perform the duties as I have hitherto done. I am very anxious to see the two Letters you name.[27]

I am under the necessity of informing Your Excellency that the notorious Ned McGowen,[28] who is on Hill's Bar, has been trying the last two days to excite the miners to revolt, and I can prove that he asserted that "Your Excellency had better mind your own business in Victoria, for that he was the ruler of Hill's Bar, and that if the miners would only stand by him he would put all Englishmen to defiance," and with oaths not fit to name, openly declares he will be master of

(27) "Captain" P. B. Whannell, the resident magistrate at Yale, later formulated the charges, which will be found on pp. 73–75, *post*. "Much bad feeling has been created heretofore by the eccentric actions of an *hombre* who, from not the most exalted position in California, was suddenly elevated to the post of commissioner." Fort Yale letter in Victoria *Gazette*, December 23, 1858.

(28) *See* introduction hereto and Judge Begbie's letters for some account of this notorious renegade.

Hill's Bar. Such men as these are the first to ask for protection; the last to obey. A party of boatmen on this bar have, I understand, written Your Excellency on the subject. The fact is, the bar being worked out and these men having only paid one month's licence, and taken out large sums of money, now want the upper flat, which from all accounts will prove rich. I have done all that man can do by fair means, and Your Excellency will not be surprised if I arrest McGowen and send him to Victoria.[29]

Now Mr. Donnellar[30] has returned I will have a place of confinement erected and it will soon pay for itself.

All my accounts shall be forwarded between now and Sunday.

With the greatest respect,
I am, Your Excellency's
Most obt. Hble. Servt.

RICHARD HICKS.

*Fort Yale, Oct. 28th, 1858.*

---

*To His Excellency the Governor of British Columbia.*

MAY IT PLEASE YOUR EXCELLENCY:

I have received dispatches from Your Excellency dated October 13th, 19th, 25th, and 28th; the last one yesterday.

I have forwarded all you require up to this period. I cannot find out the location of the silver mine, altho' I have sent out two men for that purpose, it is up in the Mountains at the back (or nearly so) of "Prince Albert's flat," I wont rest until I have found it.[31]

There certainly has been a want of regularity in the transmission of Letters, sometimes I get two at one time and longer than the time required to forward them to California.

I would advise that a Post Office be immediately established here and at Fort Hope. If Mr. Postmaster Anderson will forward me the necessary instructions, I will take care it shall be satisfactorily carried out and all the miners would be delighted. A Letter from here costs

(29) The boundary line along the 49th parallel had not at this time been located. This afforded to the lawless element on Hill's Bar a ground for suggesting that the territory was really a part of the United States, though, doubtless, they knew better. Amongst the miners on that bar were a considerable number of men of the worst class, who had been driven from California by the Vigilance Committee.

(30) B. Donelian, the chief of police at Yale.

(31) According to Mr. Hicks's record book, it appears probable that he was to have an interest in this silver mine. *See also* note (13). The Governor reported, however, that the specimens proved worthless.

a dollar to Victoria; this is enormous; one shilling sterling would produce a large revenue because there would be more Letters than are now sent.[32]

I have much pleasure in informing Your Excellency that another flat opposite Victoria Bar, named "Manuel Flat,"[33] has been discovered equally as rich as "Prince Albert's flat", and claims taken up all in front of the river, it will take some time to get water to work river flat claims.

I have also received application for and recorded to Ozious Hovey a quartz vein said to be very rich. Your Excellency will be pleased to make allowance for the secrecy maintained by parties making such discoveries—there are so many men of no character who are waiting only to jump upon such claims at the expense and labour of others. I shall however forward the Ore as early as possible. I will also visit the spot as soon as the weather will permit; the rains are very heavy and almost incessant—the vein is located upon the Creek at "rocky point" or "Indian reserve", about eleven miles up the Creek.[34] Mr. Kirby and Mr. Hovey started this morning, but were compelled to return, after getting up five miles of the Creek, on account of the rains. I will not loose no more time than I can help in forwarding the Quartz to Victoria.

I beg to thank Your Excellency for the appointment of Captain Whannell[35] as a Justice of the Peace for Fort Yale. He will certainly relieve me of much labour.

Mr. Tennant has not returned from Victoria. I shall proceed to collect the second month's mining licence on Monday next, unless Your Excellency in the meantime order otherwise. I am, however, quite certain that more satisfaction would be felt by all classes had my plan been adopted. I am glad to know that you will do all in your power for the miners' interest; they are well pleased with your replies to their wishes in Your Letters of Oct. 19th and 28th.

I have drawn upon the Colonial Treasurer[36] for some money. I will keep a correct account and forward the amount as soon as I return collecting.

(32) On November 30, 1858, the Postmaster-General, Alexander Caulfield Anderson, notified the public that mails would be forwarded "by every favorable opportunity" to Langley, Hope, and Yale, and that the postage to these points would be five cents.

(33) There were two "Victoria" Bars—one about six miles above Hope and the other about the same distance above Yale. Manuel Flat, named after a miner, G. Manuel, was opposite the former. On November 8, 1858, Mr. Hicks granted to G. Manuel and his associates the right to convey the water from French Bar Creek to Manuel Flat.

(34) The record of this claim, made on November 8, 1858, simply states that it is "on the creek named Emory's Bar Creek", which flows into the Fraser about four miles below Yale.

(35) "Captain" P. R. Whannell, of the Victoria Yeomanry Cavalry in Australia, and late of the Nigarris Cavalry in the East Indies. *But see* the letter from Lieutenant-Colonel Ross, post, p. 58.

(36) Captain W. Driscoll Gossett, R.E. He was not in any way connected with Colonel Moody's detachment of Royal Engineers.

I have purchased a strong log house for a Prison and a Building for a Court House for 350 dollars—they will soon pay for themselves.

Another case of murder occurred here on Sunday night last. I held an Inquest yesterday. I was compelled to go to Hill's Bar this morning to settle disputes with mining claims. Tomorrow I will take the examination; all the documents shall be forwarded in due course. I have not received any Sealing wax nor the Official Seal.

Officer Carey returned on Thursday last. Provisions are very high and hardly any flour for sale, the Company's store is almost empty, and much fear and complaints exist on account of the scarcity of all sorts of provisions.

I will, I assure Your Excellency, forward every information at the earliest possible moment.

I have the honour to be,
Your Excellency's
Most obedt Hble Servant

RICHARD HICKS.

*Fort Yale, Nov. 9th, 1858, 12 o'clk p.m.*

---

*To His Excellency the Governor of British Columbia.*

MAY IT PLEASE YOUR EXCELLENCY:

I forward herewith the depositions and other papers in the case against Mathias Neil, charged with the murder of William Hartwell at the Forks of Fraser and Thompson's River. The prisoner made his escape from the custody of Charles Emerson, a deputy Officer, near Sumas. I understand he is again captured and secured on board the brig "Recovery."[37] Captain Emerson informs me he wrote Your Excellency fully upon the subject. Efforts are being made by the Gambler's who infest the Country to obtain his discharge. When the trial comes on it will be proved that a more cool and deliberate murder seldom ocurrs.

I have also committed for trial George Harrison Jones for shooting Herman Wallace at Fort Yale on Sunday night last; the depositions I also forward herewith. There are some mitigating circumstances in

(37) This vessel had been purchased from the Hudson's Bay Company and was stationed near Langley to enforce payment of duties, license fees, and head-money, as the levy of two dollars per head "compensation" to the Hudson's Bay Company was called. *See* the introduction as to this "head-money."

this case; still, Your Excellency will not uphold the right of any man to sacrifice the life of his fellow-creature over a gaming and drinking table. I also enclose the verdict of the Coroner's Jury for your perusal. I have had the prisoner in confinement in Fort Yale Prison on account of the heavy rains, and unfit to expose him and the Officer to so much wet.

I received two Letters from Your Excellency forwarded by Mr. Tennant which shall have every attention.

I have notified all parties that the sale of town lots will commence by your direction, and I am preparing the leases accordingly. Do you intend Mr. Allard and Mr. Yorke to have free grants, or are they to be on the same terms as other parties?[38]

The land opposite Fort Yale I have received for mining purposes, according to your decision.[39] Water will be conveyed on this flat from New York Bar Creek,[40] round the ridge of rocks above where Your Excellency camp'd opposite Fort Yale. The cost of fluming and conveying this water, from information that I have obtained, will not be less than five thousand dollars. A Company of miners have taken up the water and will commence the work early next Spring.[41]

McGowen and his party at Hill's Bar are all quiet, but insist on holding the bank or flat claims as well as the bar. I have done all I can with the limited force at my command, and I have checked them from working up to the present.

On Emery's Bar the same difficulty I have to contend against; the claimants on the bar have the assurance to demand back from the river to the foot of the Mountain, a distance of nearly two miles, and in consequence of my pointing out to them and others the absurdity of such grasping propensities, I am grossly insulted and considered a nuisance. I will, however, perform my duty and yet act with moderation. With regard to the petition forwarded and published at Victoria, I can assure Your Excellency it is a fabrication from beginning to end.[42] McGowen was the mouthpiece of it all, and when I marked off the claims no person was allowed to interfere either way, and there was no objection made at the time by any of the miners, nor would it if McGowen had not interfered afterwards.

(38) The Governor had in his address to the Yale miners indicated the intention of granting leases with a right of pre-emption. *See ante*, p. 2. Mr. Allard was the agent of the Hudson's Bay Company at Yale; and Thomas York, who was then mining above Yale, was the father of the first white child born in the colony. Mr. Hicks's handling of these leases is severely criticized by Judge Begbie in paragraph 14 of his letter, February 3, 1859, *post*, p. 38.

(39) *See ante*, note (20) and note (21).

(40) New York Bar was just above Fort Yale, on the opposite, or left, bank, and near Lady Franklin Rock.

(41) Mr. Hicks's handling of the water rights was as loose as his handling of the land leases, and led to much dissatisfaction and trouble. He did not hesitate to record an interest for himself in some water partnerships.

(42) *See* note (24), *ante*.

The Spuzzum Bridge[43] is already erected by private enterprise, and proves to be a good substantial structure; the amount saved to the Government will be about five hundred dollars.

I herewith enclose a list of names of parties, applicants for land for Agricultural purposes, much attention is being turned towards Farming, and next year will prove that British Columbia can grow sufficient for her own consumption.[44]

We have not had a dry day now for upwards of a week and every branch of Trade looks gloomy—the damp in the tent has caused me a very severe cold. I shall be in my new Office tomorrow.

I must respectfully apologize for the manner in which my letters are written; in future they will be forwarded cleaner and freer from blots. I cannot help myself on the present occasion.

I have the honor to be
Your Excellency's
Most obt. Hble. Servt.

RICHARD HICKS,
*Assistant Crown Commissioner.*

*Fort Yale, Nov. 12th, 1858.*

---

*To His Excellency Governor Douglas.*

MAY IT PLEASE YOUR EXCELLENCY:

I have seen today an Advertisment in the Victoria Newspaper from McGowen's party on Hill's Bar condemning my conduct, etc.[45]

I feel assured Your Excellency will treat it with all the contempt it deserves, nevertheless. I have substituted Office McLane for Officer Hickson, who was and now is with Mr. Justice Perrier on Hill's Bar.

As Officer Hickson[46] attended me the whole of the day I was measuring the ground, he can and no doubt will state the true facts.

I am, Sir, ashamed to be so constantly brought to notice by my public conduct. I beg, however, to assure Your Excellency that my conduct altho' displeasing to some is approved by the many. There are men here who call themselves Americans that are a disgrace to civilized society, and I defy any officer in power to satisfy their grasping propensities.

(43) The bridge over Spuzzum Creek. This would seem to have been built by Franklin Way, who in October, 1859, obtained the right to collect, for a period of six months, twenty-five cents from each person crossing it.

(44) In response to this demand for agricultural land, Governor Douglas, on January 4, 1860, issued the first pre-emption Proclamation.

(45) There was no advertisement in the Victoria paper. What Mr. Hicks alludes to is the account of the miners' meeting which appeared in the Victoria *Gazette*, November 6, 1858, at which resolutions were passed roundly and soundly condemning him. *See* notes (14) and (24), *ante*.

(46) The police officer at Hill's Bar. He is one of the central figures in the subsequent trouble known as the "Ned McGowan War."

My sincere and earnest desire is to conduct myself with honour, integrity, and usefulness; that course I have and will continue to pursue.

Mr. Hickson will give Your Excellency some valuable information.

I have the honor to be
Your Excellency's
Most obt. Hble. Servt.
RICHARD HICKS.

*Wednesday night, Nov. 17, 1858.*

Captain Whannell and Lady arrived this evening about five o'Clock. Mrs. W. I very much like. She appears like a fine young English Lady. The Captain is busy making his house arrangements. I have afforded him every assistance.[47]

Is it Your Excellency's desire that a Cottage residence should be built for their use? if so, I should feel obliged for your assent.

---

*To His Excellency the Governor of British Columbia.*

MAY IT PLEASE YOUR EXCELLENCY:

I received your communication this morning dated November 11th.

I am deeply sorry that Your Excellency should be annoyed with continued complaints of my conduct. I assure you, Sir, as I live, they are entirely unfounded and false in every respect. As to dissipation, which I presume means drinking, I must say that I never have been in that state since I left England. I am much blamed by Gentlemen here and elsewhere for not indulging more than I do. God knows, Sir, I have had no time to devote to my own comfort. I have not entered any gambling house since I have been in Fort Yale, on the contrary I have been their greatest enemy.[48]

With regard to the charges made against me by I. C. Hawley, I have to state that a more scandalous and false accusation never was before uttered and sworn to. I have from pretty good authority learn'd that certain parties are doing all in their power to harrass and cause disunion amongst the Officials appointed by Your Excellency, and, Sir had I not taken a firm stand and combat'd all their base designs they would have given our Government much trouble and inconvenience. I allude to their efforts to declare this an Independant Colony.

(47) "Captain" Whannell was the resident magistrate at Yale. As to his earlier life in Australia, see the letter from Lieutenant-Colonel Ross dated May 9, 1859; and as to his life in California, see Hicks's subsequent letter, June 3, 1859.

(48) At the very time that this letter was written Whannell alleges that Hicks was disgracefully drunk on the street of Yale and had to be taken home by the police, and that later he was in a gambling-house acting very familiarly with its inmates. *See* the third charge against him, *post*, p. 75.

Captain Whannell is now here with me. I trust his account to Your Excellency will more than ever confirm me in your high esteem and confidence. I shall never forget Sir the high position you have confided to me, more especially when I call to mind the circumstances—an entire stranger in a far distant Country from friends and home.

I hope and trust you will no more be teased with such contemptable complaints. I have done my best to please every one, and the more people seem to be discontented. I will now try a new and independant course. Should you require it I can forward you high testimonial of my conduct here.

I beg most respectfully to submit the documents forwarded to the Crown Solicitor for rebutting the accusation, and feel confident you will not allow me to be so unfairly wronged by this man Hawley nor any one else. W. List (Hawley's partner) denies the charge.

There are many parties I cannot please, do what I will. W. Snyder[49] is one, and pretends to be a friend, when his own writings in the San Francisco papers condemn him. He boasts that he will have me out, cost what it will. He is a bad man.

Your Excellency knows but little what I have gone through since I have been at Fort Yale. I do not mean to complain; on the contrary, I am proud of the office I hold under Your controul.

With the greatest respect,
I have the honour to be
Your Excellency's
Most obt. Hble. Servant
(Sgd.) RICHARD HICKS,
*Assistant Crown Commissioner.*

*Fort Yale, Nov. 24th, 1858.*

---

BRITISH COLUMBIA,
April 5th, 1859.

*To His Excellency Governor Douglas, C.B., etc.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honor to inform you that very rich and extensive diggings have been discovered in the Canoe Country,[50] and that a party of four men have taken out as high as eight hundred dollars a day, and others are avaraging three hundred dollars daily. I have this from the most reliable source and can be relied upon.

(49) Possibly H. M. Snyder, of San Francisco, the man who led the volunteers in their advance against the Indians in August, 1858. *See* Introduction.

(50) Canoe Country was the name given to the mining region about fifty or sixty miles above Lillooet, on the Fraser.

I take leave also to acquaint Your Excellency that several hundred men and a large amount of freight are on the overland route from California and Oregon, headed by General Palmer,[51] bound for the headwaters of Fraser, Thompson's, and Bridge rivers, the duty on which will be considerable if properly collected.

I am proceeding up Fraser River to Fort Yale and will forward Your Excellency all the information I can procure from the different miners as to the amount they are making on their different claims, which I trust will be most acceptable.

I have the honor to be
with the greatest respect
Your Excellency's
Most Obt. Hble. Servt.

RICHARD HICKS.

---

FORT YALE, BRITISH COLUMBIA,
April 30, 1859.

*To His Excellency the Governor of British Columbia.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honor herewith to enclose a copy of the charges of the costs of Court of Captain Whannel, of this place; the imposition and enormous charges inflicted upon the poor hard working miners requires Your Excellency's immediate attention. This is only one amongst the many instances complained of, and the people here feel assured you will not allow such petty tyranny to be practiced upon them. The charges, like these for hearing any trivial offence, prevents parties from having justice done them.

In the present case the charge was for assault, and the defendant waived a hearing and only required binding over until the Assizes.

Justices of the Peace require no salary if such enormous charges are allowed as these.

At the request of several inhabitants of this place, I have taken this liberty of submitting the case to Your Excellency, feeling assured you will speedily remedy the evil.

Another charge of gross injustice to a W. Way, who was defrauded by a boatman of the sum of sixty dollars, which Captn. Whannell

(51) Joel Palmer, who in 1858 and 1859 was prominent in his advocacy of a route to the upper Fraser by way of the Columbia and Okanagan rivers. He used wagons to transport freight to the mines in those years. *See* a lengthy letter from him in the *Oregon Statesman*, February 14, 1860.

allowed in the face of evidence the most complete, because W. Way spoke rather lightly of said Whannell of his conduct in California. On proper investigation Your Excellency will find he is quite unfit for the office he now holds.[52]

With the greatest respect
I have the honor to be
Your Most Obt. Servt.
(Sgd.) RICHARD HICKS.

---

FORT YALE, BRITISH COLUMBIA,
May 18, 1859.

*To His Excellency Governor Douglas.*

MAY IT PLEASE YOUR EXCELLENCY:

I have this day had an interview with the Gold Commissioner, Mr. Brew, who handed me a Letter from the Colonial Secretary to him, stating that Your Excellency "was not aware of any grant having been made to me of land in Fort Yale, but that if I could produce any proof I was to forward it to the proper quarter for consideration"—or nearly to that effect.

I feel assured Your Excellency must have forgotten me entirely. When you were at Fort Yale in May twelve months ago, I applied to you for one acre of land; you gave instructions to Mr. Golledge[53] and Mr. Young[54] to make the grant and enter it in their books. I believe Mr. Golledge did so; and you also directed Mr. Allard[55] to measure it off adjoining the reserve of the H.B. Company; this was also done assisted by Capt. Emerson and Mr. Champlain.[56] The right has always been respected here by all parties up to now.

When I was at Victoria last you requested me to pay the amount to Mr. Anderson[57] for the lots. I did so and the money was lodged two weeks. I then by your permission withdrew the amount, with the understanding that I was to pay Mr. Brew the money on receipt of the deeds, which were to be prepared and forwarded as soon as possible.

(52) Though Hicks has been dismissed, he is evidently striving to settle old scores with "Captain" Whannell, his accuser, or, rather, one of his accusers.

(53) Richard Golledge, at that time Private Secretary to the Governor.

(54) William A. G. Young, the Colonial Secretary. *See* note (27) to Mr. Brew's correspondence, *post*, p. 70.

(55) Ovid Allard, the Hudson's Bay Company's agent at Yale.

(56) These men appear to have been police officers at Yale.

(57) Alexander Caulfield Anderson, for many years connected with the Hudson's Bay Company and one of the best-known and most highly respected officials. *See also* note (65) to Judge Begbie's correspondence, *post*, p. 46.

I had an intervieew with Lieut.-Gov. Moody[58] on the subject a few weeks ago; he then told me that "what you promised me I should certainly have, which would compensate me for the labourous work I performed."

I have been waiting here now nearly three months, with great patience and much expense, depending entirely upon you for my lots. I trust, therefore, you will be pleased to confirm me to them.

I have consulted Mr. Kelly a Barrister residing here and others who all consider I am not done fairly by if deprived of the property.

Waiting Your Excellency's reply
I have the honor to be
with the greatest respect,
Your Most Obt. Servt.

RICHARD HICKS.

SYNOPSIS OF GOVERNOR'S REPLY.

NOTE.—His Excellency the Gov. has duly received your letter of the 18th inst. upon the subject of the instructions conveyed to Mr. Brew by the Colonial Secretary respecting the Lots which you claim at Fort Yale.

In reply thereto, I have to acquaint you that no record is found of any grant of land having been made to you in May last, nor does His Excellency remember the transaction to which you allude.

However, should any verbal promise have been made to you by His Excellency, such promise will undoubtedly be performed if practicable; but it will be necessary that you adduce the clearest evidence in that behalf, such as the specific act of Mr. Allard in marking out the ground for you under direct instructions from His Excellency in person, or by other proof equally satisfactory. In such case there will be no objection to the land so marked and promised (?) conveyed to you subject to any rights of the Government or to any claims in equity which can be brought by private individuals.

*To Mr. R. Hicks.*

*To Mr. Brew:* Enclose copy of this case and copy of my reply for his information and guidance; also have made a copy of this communication and a copy of the reply which will be sent to Col. Moody.

(58) Colonel Richard Clement Moody, commanding the Royal Engineers, and who also held the dormant commission of Lieutenant-Governor of British Columbia. Though Moody signed himself "Lieut.-Gov.," the title was improper, as Lytton pointed out to Douglas. *See* note (37) to Judge Begbie's correspondence, *post*, p. 33.

FORT YALE, BRITISH COLUMBIA,
June 3rd, 1859.

*To His Excellency James Douglas, Esq., C.B., etc.*
*Governor of Vancouver's Island and British Columbia.*

SIR,—Perhaps you are not aware that much of the discontent and stampede from this Country or from the upper part of Fraser River is on account of the incapacity of the Officials at the Forks and Lytton City. Your instructions are not carried out. Tyranny and oppression are practiced to the utmost extent. The Country can never be developed under such men as Mr. Trevailott. According to miners' statements made to me, is that when application is made for water for fluming or mining purposes they are charged a fee of one pound ten shillings for recording, and then only a limited quantity of water, which deprives other miners working on the same or adjoining ground. Miners cannot afford to cut ditches miles long without a sufficiency of water to sell to repay them for the immense outlay. The consequence is the flats cannot be worked; the mines lay dormant; the revenue suffers severely; hence the disaffection and stampede.[59]

No men from any Country will be satisfied to stay in the mines unless practical men are appointed over them as rulers. Mr. Travellott is a man of gross intemperance. Mr. Townsand, a very respectable man residing here, told me a few days ago that Mr. Travelliott was lying on the ground in his cabin unable to speak or take care of himself; his officers also, three in number, were in the same condition. This is not the only instance he has been found in the same plight. I think it my duty to inform Your Excellency because you are blamed publicly for keeping such a man in office, and I would gladly avoid the Newspapers getting hold of the facts. No such man can have the goodwill and confidence of those around him; in fact, he ought to be a good example to his fellow-creatures.[60]

Another circumstance I will mention. Mr. Travillott has appointed a notorious highway robber of the name of Brown to the office of Policeman. This man was committed to Fort Yale for robbery and attempt at murder last November. The prosecutor, however, was, I believe, drowned in February last; hence the felon escaped.[61]

(59) Hicks is quite wrong. The origin of the advance into the upper mining regions was the firm faith that the miners had that higher up the river rich diggings would be found; that the fine gold found in the vicinity of Hope and Yale was but the "tailings" from the richer deposits above.

(60) It is probable that there was more than a modicum of truth in the allegation of intemperance made against Trevaillot; but we have here the fault-finding of a disgruntled man whose incompetence and unfaithfulness had brought about his discharge. It seems likely, from Downie's "Hunting for Gold," p. 242, that Travaillot left the service shortly after this date.

(61) This would appear to be the same man as is mentioned by Governor Douglas in his letter to Lytton, December 24, 1858. *See* B.C. Papers, Part II., p. 46.

I could fill pages of such complaints against Mr. Travillott. Your Excellency requires no more than what I have stated to convince you how business is carried on above here.

I would most strongly recommend an Englishman to the Office at Lytton, one acquainted with mining and that can and will command respect. Your Excellency will, instead of blame, receive the thanks of the community.

The fees charged by Justice of the Peace require your serious consideration. The charges are most cruel; justice is frustrated by such imposition. The fees in Fort Yale alone must amount to many thousand dollars per annum. Mr. Whannell's office must be more lucrative than the Governor of the Colony. He little remembers his own condition when he kept a low liquor-shop at Shaw's Flat, California, or he would pity poor miners instead of exacting from their industry to keep him in luxury.[62]

I must beg to apologise for these remarks which I am sure Your Excellency will excuse.

I would at all times sooner complain to you right out than through Newspapers—this at all times is the proper course.

I have the honor to be
Your Most Obt. Servt.
(Sgd.) RICHARD HICKS.

(62) *See* further, as to "Captain" Whannell's earlier life, the letter from Lieutenant-Colonel Ross dated May 9, 1859, *post*, p. 58.

## CORRESPONDENCE OF JUDGE BEGBIE FROM JANUARY, 1859, TO MARCH, 1859.

LANGLEY,
1st January, 1859.

*To His Excellency James Douglas, Esq.,*
*Governor of British Columbia, etc.,*
*Victoria, Vancouver's Island.*

SIR,—I would again bring before the notice of Your Excellency most respectfully the present state of the town of Langley.

On Christmas Eve a man by the name of Joseph Miller went into the house of Mr. W. B. Bolton, for the purpose of taking a drink as he says, and that he had no sooner entered the house when he was knocked down, and kicked in the face and severely cut about the head; his trouser pocket containing $340 in dust was cut out, his watch cut from the guard, and, in fact, the man was very much abused, and, as far as I can learn, by a party of men who appear to have very little means of obtaining a livelihood.

The same parties, I hear, have expressed their intentions of arming themselves and going out for the purpose of killing the H.B. Co.'s Cattle.[1]

I would also most respectfully inform Your Excellency that the constant firing of pistols and guns is getting dangerous, particularly during the night-time. The practice of gambling is becoming very glaring, and to endeavour to prevent the same would, I fear, be useless. There is also another daily occurrence; that of parties losing Boats and Canoes up the River by having them stolen from them and brought down here and sold; the rightful owners then claiming them. I have endeavoured to the best of my ability to settle those which have come before my notice, and even then my opinion has not given much satisfaction to the parties concerned; and in this matter I am particularly at a loss how to act.

In regard to the tax on cutting wood, at present I am unable to collect any sum whatever; parties cutting seem totally regardless of the consequence and expenses of non-payment; and in my own opinion I would most respectfully call the attention of Your Excellency to this point, as when cases come to be tried parties who are guilty may excuse

(1) In the vicinity of Fort Langley the Hudson's Bay Company had for over twenty years carried on farming operations on a constantly increasing scale. Their cattle roamed over what is now known as Langley Prairie.

themselves by saying that I could shew them no form of law to warrant the payment of $1 per chord; on this account the Government is losing considerable revenue.[2]

As to the trading licence of $7.50 p. mth, there are several parties who say they cannot pay, when I am satisfied that they are well able. I am inclined to think that the man Lewis, who is in arrear 4 months, has been telling others that the tax is not lawful, etc.; I am informed that he has told one party that he was foolish to pay any such tax.[3]

The practise of selling liquor without license, also to Indians, is very common in one house;[4] and I am satisfied that selling liquor without license is a customary thing in most of the houses in the town. I have warned and cautioned the parties repeatedly, but still it appears to be of no avail.[5]

In conclusion, I would most respectfully inform Your Excellency that any attempt to arrest criminals on my part would, I fear, be attended with some trouble, as our force here is so small, and where I to call on all good citizens to aid me, from present appearances there would, I fear, be very little response; and in the many little cases of petty thieving which almost nightly occur, I am afraid the people will take the law into their own hands and punish the offenders.

I have the honour to remain,
Sir,
Your most obedt Servt.

(Signed) Wm. H. Bevis.

---

Fort Hope,
14th January, 1859.

Dear Governor,—Mr. Main, of the "Plumper,"[6] accompanied by Mr. Lewis,[7] has just arrived from Langley (where the "Plumper" is now lying) with despatches for Col Moody: among wch I find your kind note. I was afraid that you might have thought this expedi-

(2) There does not seem to have been any authority for this levy of one dollar per cord. Probably it was for this reason that Judge Begbie, in his letter of March 12, 1859, suggested that wood-cutters should be treated as traders and should pay seven dollars and a half per month.

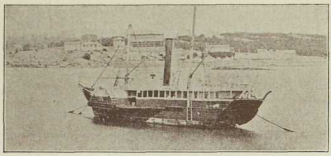
(3) This license fee was exacted by virtue of the Governor's Proclamation of July 15, 1858.

(4) One of Douglas's earliest Proclamations, issued at Fort Hope on September 6, 1858, prohibited the sale or gift of intoxicating liquor to Indians under a penalty of twenty pounds.

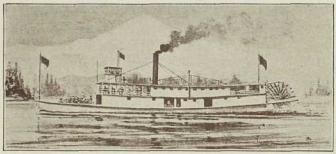
(5) The license fee for vending intoxicating liquor by retail was then one hundred and twenty pounds per annum.

(6) Lieutenant R. C. Mayne (later Commander Mayne), of H.M.S. "Plumper," then engaged in surveying the coastal waters of British Columbia. He retired as Rear Admiral in 1879 and died in 1892. In chapter IV. of his "Four Years in British Columbia and Vancouver Island," London, 1862, he gives a short account of this trouble—the so-called "Ned McGowan War."

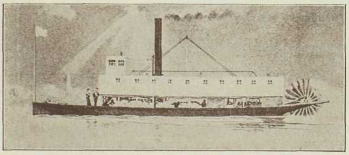
(7) Captain Herbert George Lewis, one of the best-known officers of the Hudson's Bay Company, and later in command of many of the steamers engaged in the coasting trade. He was at this time acting as pilot.



Pioneer steamer "Beaver" in Victoria Harbour.



The "Colonel Moody," second steamer built in Victoria.



Williamette and Fraser River steamer "Enterprise."

tion rash, looking to the time of the year, a hard frost just getting in, and (now that we have received later and, I hope, more accurate accounts) looking also to what I now very much suspect as to the temper and discretion of Captn Whannell.[8] The accounts, however, that we have heard since we left Langley have been all on the side of what may be called Mr. Ned McGowan's faction: and much as they dispose one to fancy that the unprecedented proceedings at Fort Yale may have been excited at all events by his inconsiderate and indeed illegal and oppressive conduct (if the accounts received by us here approach to accuracy), of course no judgment or opinion even can be arrived at until his side of the story be heard.

The state of intelligence however wch greeted us at Langley was such as left no option but to proceed with every available man. You have seen Captn. Whannell's letter of the 31st ulto to Capt. Grant.[9] The loose rumor flying about Langley (but wch was not credited) was that both Whannell and his Constable had been shot by McGowan: and that the district was in open insurrection.

Col. Moody of course determined to proceed at once, leaving only the sick behind,[10] and we started at 11 p.m. the same night by the "Enterprise,"[11] wch had remained there luckily for the arrival of the "Beaver."[12]

The next day there was a good deal of ice: just below Harrison River we met Ballow's express going down: who gave us the greatest relief by intimating that all was quiet at Fort Yale—[13] that there had been a squabble betwn the justices and that a public meeting had been called at wch a "multifarious conglomeration of heterogeneous nonsense" had been passed in the shape of resolutions. Coll. Moody, however, deemed the matter, though luckily this change deprived it of its serious sanguinary aspect, as still of sufficient importance, joined to the desirability of his having a personal knowledge of the localities, to make it prudent for him to proceed in person to Fort Yale; (the river

(8) P. B. Whannell, the resident justice of the peace at Yale.

(9) James Marshall Grant, First Captain of the detachment of Royal Engineers under the command of Colonel Moody. The letter from "Captain" Whannell dated December 31, 1858, is to be found, *post*, p. 56.

(10) At that time the only Royal Engineers under Colonel Moody were Captain Parsons's party of twenty men and Captain Grant's party of twelve men. Of these, some twenty-five departed on this expedition.

(11) A stern-wheel, light-draught steamer, in command of Captain Thomas Wright. She was an American bottom, operating on the Fraser River under a "sufferance" issued by Governor Douglas. In the fall of 1859 the "Enterprise" was taken to Gray's Harbour, where she ended her days.

(12) The pioneer steam-vessel on the Pacific coast of Canada, then still owned by the Hudson's Bay Company.

(13) Ballou's Pioneer Fraser River Express, organized by William T. Ballou, "a wild waif, a hare-brained adventurer of French descent, who since 1846 had been floating about the mountains and shores of the Pacific." *See* his advertisement in Victoria *Gazette*, July 28, 1858.

was indeed by this time frozen behind us) and asked me to accompany him. We proceeded, therefore, to the "Umatilla snag,"[14] wch we tried in vain to pass, both that day and the next: the water was too low. We therefore ran into a creek where we were shortly frozen in. This was on the 8th. Mr. Ogilvy,[15] who happened to be on board, very kindly offered to go on express to Fort Yale and bring information, and he returned on the 12th. The next day we tried the passage again, when the snow and rain had raised the water to enable us by handing out a rope to scrape over. But we could not reach beyond Murder's Bar, where we brought to for the night.[16] This morning Coll. Moody and myself started in a whaleboat; but the wind and snow were so perplexing that it was 11½ a.m. before we reached Fort Hope, after 3½ hours: and seeing little likelihood of reaching Yale, the Coll. decided on staying here all night. He thought (in wch I quite agreed) that it would have a good moral effect in bringing the soldiers here, and they accordingly marched in in 2¼ hours: but that it wod be more politic to treat the disputes at Yale as of secondary importance, place our passage up the country entirely to motives of civil survey, and proceed alone to Yale, taking me with him. We walked about the town, therefore, examining the localities as well as we could in the snow, wch was so thick that you could not see more than a very short distance, and entered into conversation with divers settlers, miners, etc. In particular with Mr. Smith[17] and Mr. Perrier,[18] who, having heard of our advent, came on from Fort Yale on purpose to tell his story first, in wch he by chance succeeded: had the weather been less atrocious, we shod have gone on to Yale without stopping here.

Mr. Smith gave us a good deal of information as to Mr. Hicks, but in a general way, wch certainly confirmed every report wch I have heard of him from every body but himself. I cannot get anybody to speak up for him. Even Mr. Edward Macgowan,[19] who does him

(14) Named after the American steamer "Umatilla," which struck it in the summer of 1858. She was the first steamer to navigate as far as Yale, which she reached on July 21, 1858. *See* further hereon Mayne's "Four Years in British Columbia and Vancouver Island," p. 90 *et seq.*

(15) Mr. Ogilvy, one of the Hudson's Bay Company's officers at Hope. A peak of the Cascade Mountains near Hope is named after him.

(16) Murderer's Bar, or Cornish Bar, about four miles below Hope.

(17) Robert T. Smith, the first Justice of the Peace and Revenue Officer at Hope, appointed in September, 1858. Before the arrival of Judge Begbie he was one of the three commissioners who tried the first criminal case in the mining region, in September, 1858, when William King was charged with the murder of a man named Eaton and found guilty of manslaughter. He was an elected member of the Legislative Council of British Columbia in 1864; was engaged in trade in the Big Bend country, 1864–66; and was an elected member of the Legislative Council in 1867.

(18) George Perrier, the resident Justice of the Peace at Hill's Bar, appointed in June, 1858. He had been a sailor; but was probably appointed because he was then one of the very few British subjects on Hill's Bar. He was one of the central figures in the trouble; it was the report of his arrest of Captain Whannell for contempt of Court that caused the military force to be sent up the river. As a result of the petty squabble he lost his commission.

(19) The notorious Ned McGowan.

the honour of preferring him to Capt. Whannell, alleges his reason to be because he prefers dealing with a knave rather than a fool. In particular, however, it appears to me that Mr. Hicks has been probably exceeding any reasonable limits in granting and recording rights of pre-emption and water privileges—having granted, I am informed, to one individual the exclusive water privilege of no less than 7 streams wch run into the Fraser between Hope and Yale.[20]

With Mr. Perrier Coll. Moody and myself could not help being to some extent pleased. He admitted that he had committed a very gross error: but pleaded very strong provocation, wch he certainly received, according to his own story. This, however, I must wholly reserve until the other side be heard. The very long delay has, I hope, not altogether been suffered to lie idle. The bed of the river and every possible shoal has been exposed to the observation of Coll. Moody and Captn. Grant in its very lowest state, under the advantage also of the remarks of Captn. Wright, of the "Enterprise," who has personally made our voyage most agreeable. We have had a good deal of conversation with miners, etc., and have had occasion from the expression of their wants to consider what general measures might be framed: wch we shall have the pleasure of submitting for your approval on our return.

As I really think it would be for the public service that I shod return immediately to Victoria, and it may be impossible to return again in time for the first Sessions or circuit wch ought to be held, according to the Genl. orders of the 27th Decr.,[21] on the last Monday of this month, I have issued another order as of this date, postponing this circuit until the last Monday of February. I hope you will excuse me if I ask you to cause Mr. Pearkes[22] to be informed of this change.

Believe me
Yours very truly
MATT. B. BEGBIE.

I am extremely glad to hear of Mr. Brew's arrival with his reinforcements. They will be more use than the Marines,[23] I hope.

(20) *See* note (17) on Hicks's correspondence.
(21) Those General Orders were not dated. *See* them in Governor Douglas's Proclamations, page 21.
(22) George Pearkes, the Crown solicitor of Vancouver Island.
(23) Charires Brew, of the Irish Constabulary and who had served with distinction in the Crimean War, had been appointed by Sir E. B. Lytton to organize the police force of British Columbia. He reached Victoria on November 8, 1858. Governor Douglas, writing on January 8, 1859, to Sir E. B. Lytton, said: "I shall immediately despatch a force of 50 Marines and a body of Police, under Mr. Brew's command, to reinforce Colonel Moody's party". Some of his correspondence while resident at Yale is reproduced in this volume. He was a member of the first Legislative Council of British Columbia; filled many government positions; and died in harness in Cariboo.

On second thoughts, and comparing dates, I think that I shall be able to return to Langley if necessary by the 31st inst., and therefore shall for the present, at all events, leave things as they stand.—M. B. B.

---

FORT YALE,
18th Jany, 1859.

DEAR GOVERNOR,—I have only time to write a few hurried lines to give you the smallest account of a great meeting held here by the Hill's Bar men calling themselves "citizens of Fort Yale". But of the last there were about 6 and about 200 from the bar.[24] A deputation of 3 asked Col. Moody and myself to attend: we had not any notion of it previously, but went down directly, accompanied by Whannell and ultimately by Captn. Grant.

The proceedings commenced with three cheers for the Governor: then an address was read with a good many epithets, pitching heavily into Whannell. This Coll. Moody very properly stopped and requested that the reader of the address wod. omit epithets. This produced a very bald reading: and I took the liberty of suggesting a short adjournment in order to re-draw the resolutions with an eye to the adjectives. This done the address was read: I have not got a copy: the purport was an expression of confidence in the British Law, confidence in British administration, an offer of assistance if necessary to maintain that law, and an impeachment of sundry misdeeds of Captn. Whannell's. The address was received in solemn silence by Coll. Moody as to anything contained in it: he merely gave answer that his ear and his heart were open. In answer, however, to a previous very excellent (but superlatively humbugging) address from a red-shirted miner named Wilson,[25] both Coll. Moody and myself had given a few words, not above 5 minutes apiece, expressive of the general intention of the Gov't to carry out the laws without fear or favour: And in conversation with Wilson and a very fine young fellow, not more than 21 or 22, who has already the distinction of being Ned McGowan's lieutenant, we had both impressed them with the fact that His Excellency could make no answer to the address: that the mere fact of our presence here, in such weather, our proceeding to action, and quite alone (in the first instance) shewed our resolution to examine into matters, and that, whatever might be the particular terms of the address, the line of action ultimately adopted wod be utterly irrespective of their views or sentiments and wod be guided solely by facts. There was also, I must tell you, for at last I

(24) Hill's Bar.
(25) Possibly the same Wilson as he mentions in his letter of February 3, 1859, *post*, p. 38.

have heard a good word for him, high expressions of confidence in Mr. Hicks. The meeting broke up with 3 cheers for the Queen.

I only add two things: first, that the Captn[26] here has certainly in many instances overstepped his authority and acted with quite illegal severity: 2ndly, that it is just as well to strike while the iron is hot, and that a sort of log hut to act as a *tête du pont* already projected shall be erected immediately on the other side of the river.

Matters have so far quieted down that the sailors are countermanded and only the marines ordered up, to relieve, if thought fit, or support the sappers, as the case may be.[27]

There is an excellent feeling on the lower bars in case of actual fighting—but men don't like to leave work for mere "buncombe"—come up only to go down again. 200 could have been enlisted at Hope alone.

Believe me,
Yours very truly,
MATT. B. BEGBIE.

---

RESOLUTIONS OF A MEETING OF MINERS CONCERNING CHARACTER AND ACTS OF MR. HICKS AND CAPTAIN WHANNELL.

*Resolved,* That we, as law-abiding citizens, consider it an inalienable right guaranteed by the British Constitution to meet in public and make known such grievances as press upon us, and in doing so hope that His Excellency Governor Douglas will remedy the evils which we now so grievously suffer from.

*Resolved,* That the late meeting held on the eve of December 31st at the Court-house, and presided over by Dr. Fifer, did not represent the sentiments or true expression of feeling as known to exist among our most responsible citizens. And that we consider it a most dastardly and cowardly attempt to defame the character of a gentleman who is now absent at Victoria upon official business.[28]

(26) "Captain" P. B. Whannell, the Resident Magistrate at Yale.

(27) The Engineers had been left at Hope. They were now to go forward to Yale; while the marines and bluejackets who were at Langley were to be ordered up to Yale also. Later this request was varied and only the marines were sent up to Yale to aid or relieve the Engineers, as might be thought advisable. *See* Lieutenant Mayne's account in his book, "Four Years in British Columbia and Vancouver Island."

(28) As Governor Douglas had on January 8, 1859, reported to Sir E. B. Lytton that Hicks "was removed from office some time ago," it is presumed that his absence "upon official business" was to make some explanation of the charges against him. Inasmuch as Hicks was not dismissed until February 8, 1859, the removal from office probably means his suspension pending investigation. The meeting mentioned is probably that referred to by Judge Begbie in his letter of January 14, 1859, at which a "multifarious conglomeration of heterogeneous nonsense" had been passed in the shape of resolutions. These Californian miners were fond of passing resolutions.

*Resolved,* That the conduct of Richard Hicks, the present Crown Commissioner, has always been fair and honourable, and satisfactory to the citizens of this community, and the fact of his good name being traduced by an insignificant number of suspicious persons (only two in number) proves that designing and bad motives actuated the leaders in this vile attempt at slander.[29]

*Resolved,* That the tyrannous conduct of P. B. Whannell, a Magistrate in Her Majesty's service, in arresting persons without cause, without issuing warrants, and for imprisoning persons merely to gratify his own caprice, and in refusing said persons an examination, as the law directs, and also for levying fines in violation of the Statutes, deserves the severest censure, and we earnestly pray that His Excellency Governor Douglas will remove said Whannell from his present position, and appoint a gentleman possessing sufficient knowledge of the duties of his office as will meet the confidence of this community.[30]

*Resolved,* That the conduct of P. B. Whannell, in endeavouring to excite this community to acts of violence, by giving expression at a public meeting held in this town to sentiments at variance with the recognized principles of law and justice, deserves the severest condemnation, and at the same time proves his total incapacity to comprehend the dignity of the position he now, so unfortunately for this community, occupies.

*Resolved,* That the action of said Whannell, in arresting and casting into prison Officer Hickson, while in the performance of his duty, was endeavouring to bring witnesses before the Court of His Honour Judge Perrier, deserved the punishment so justly meted out to him (Whannell) for his gross contempt of Court.[31]

*Resolved,* That the thanks of this community and of the adjacent townships be and is hereby tendered to His Honour Judge Perrier and Officer Hickson for the honourable and highly satisfactory manner in which they have discharged the duties of their office, and we trust that his zeal and fidelity to the interests of his Government will be amply rewarded by His Excellency Governor Douglas.

*Resolved,* That we have every confidence in the wise and patriotic administration of His Excellency Governor Douglas, and his humane policy of advancing the interests of miners and other emigrants by lay-

(29) Hicks was, as appears from both Judge Begbie's and Mr. Brew's investigations, of the very opposite character. *See* the introduction hereto and the notes appended to his correspondence.

(30) There is a certain amount of truth in the allegations in this resolution, as is shown by Judge Begbie's letters of January 14 and February 3, 1859. *See* pp. 27, 34, and 35.

(31) This alludes to the origin of the trouble. Hickson was the police officer at Hill's Bar. When he arrived at Yale to obtain, under Magistrate Perrier's warrant, the witness Dickson, whom Captain Whannell had in custody, he was himself arrested and thrown into gaol. *See* the full particulars in Judge Begbie's letter of February 3, 1859, *post,* pp. 35 and 36, and in the affidavit of Thomas Pieslay, *post,* p. 34.

ing out roads, thereby facilitating communication, is especially deserving of praise and worthy of the highest regard and favour of the Home Government.

*Resolved*, That a copy of these resolutions be forwarded to His Excellency Governor Douglas, to Senior Justice Perrier, and to the Victoria *Gazette* for publication.[32]

J. W. WILSON.
P. J. CASSIN.
D. CAMPBELL.
CHARLES EMERSON.
WM. READ.

A true copy of the original.—B. BAILEY, *Secretary.*

---

VICTORIA,
31st January, 1859.

SIR,—I have the honor to forward a letter which I have just received from Mr. Bedford relating to retail liquor licenses.

I should perhaps find much to say against issuing retail licenses for a less period than a year, under ordinary circumstances. But I conceive that it is of primary importance to accustom people to obey the laws: and for the present, therefore, to modify the laws if necessary so as to induce a ready obedience: since compulsory means are scarcely in all instances available, even if they were in any instance advisable.

It is also to be observed that in one district at least retail licenses have, as I am informed, been granted for so short a period as one month.

In favor of allowing retail licenses to be issued for three months, it might be observed that the duty $150 or £30 is 2½ times as great as for a whole year in England.

The peculiar position of Langley might also deserve to be taken into consideration: I mean with reference to the uncertainty as to its future prospects which has hitherto prevailed,[33] and wch may well deter a trader from fixing himself permanently there by the payment of so large a sum of £120. At the same time it might be dangerous or

(32) These are the resolutions referred to in the preceding letter from Judge Begbie. The "adjectives" have evidently been deleted.

(33) The reference is probably to the question of the site of the capital. Colonel Moody, who had been specially ordered to make the selection, had in a letter dated January 28, 1859, disapproved of Old Langley and selected New Westminster. Doubtless his opinion was known unofficially; this appears from Lieutenant Mayne's remarks. *See* "Four Years in British Columbia and Vancouver Island," p. 72.

impolitic to initiate a system there wch wod. not be extended to all the Colony.

I have the honour to be,

Sir,

Your obedient servant,

MATT. B. BEGBIE.

---

*(Enclosure.)*

LANGLEY,

January 29th, 1859.

DEAR BEGBIE,—A difficulty is found here in preventing people from selling liquors without a license, and to-day I have received an application from a man who is about to open a saloon in the New Town[34] to be allowed to pay a quarter-licence instead of the whole year's licence at once; he is ready to open his store in two days, but hesitates on account of the heavy license. I myself should suggest that an order be given to Mr. Bevis[35] to grant licenses by the quarter just now, subject to alteration when the working of it is seen. I feel confident then we could prevent unlicensed retailing of liquor and also a good deal of the smuggling which is going on, as it is carried on mostly by the unlicensed houses. If you will write me a note by the "Otter" I shall be much obliged, as I am spoken to by every man here on this subject.

Excuse this rough scrawl as I am writing on the "Governor Douglas."

Yours very truly,

C. J. N. BEDFORD.

NOTE.—Received and forwarded with memorandum to His Excellency the Governor, 31st January, 1859.—M. B. B.

---

VICTORIA, V.I.,

3rd Feby., 1859.

SIR,—I have to report for your information, respecting the late occurrences at Yale,[36] that I left Victoria for Langley in company with the Lieut. Govr.[37] on board the H.B.C. Str "Beaver" on Wednesday,

(34) Probably the reference is to Derby, about two miles below Fort Langley, where Governor Douglas purposed to build a "seaport town."

(35) William Henry Bevis, who had been appointed Revenue Officer at Langley in June, 1858.

(36) This letter gives a complete view of the conditions prevailing in the mining region near Yale, with an authoritative account of the "late occurrences"; that is, the so-called "Ned McGowan War."

(37) Colonel Richard Clement Moody, who, besides being the commanding officer of the Royal Engineers and Chief Commissioner of Lands and Works of British Columbia, held also the dormant commission of Lieutenant-Governor. In a letter from Lytton to Douglas dated March 21, 1859 (see the Deadman's Island Case, before the Privy Council, p. 304), he pointed out that as this commission only took effect on the death or absence of the Governor, it was improper to speak of Colonel Moody as the Lieutenant-Governor.

the 4th ulto., intending to return immediately to Victoria, after having arranged one or two matters connected with the detail of judicial business which seemed to require my personal presence.

Immediately on the arrival of the "Beaver" at Langley, Capt. Grant, R.E., commanding the detachment there,[38] waited on the Lieut. Govr., who shortly afterwards summoned me to consult upon a very alarming letter received some days previously by Capt. Grant from Captn. Whannell, the resident J.P. at Yale, which letter from the state of communications could not have been answered earlier, or only by one day earlier, the steamer "Enterprise"[39] having been at Captn. Grant's instance delayed 12 hours to await the arrival of His Excellency Col. Moody. With the terms of Captn. Whannell's letter I believe Your Excellency is acquainted.

The reputation of Edward McGowan,[40] a citizen of the United States named in such letter as a leader of the alleged outrages, being very notorious, I agreed with the Lieut. Govr. that as a military commander thus summoned by a magistrate generally reputed to have considerable personal courage, there could be but one course to follow—viz., to proceed to the scene of action: and, owing to the deficiency of police constables on the river, to proceed accompanied by as many of the detachment as could be conveniently spared. This was accordingly done; but for particulars I beg to refer to the Lieut. Govr's report to Your Excellency. I may add that although some canoes had arrived from the upper part of the river since Captn Whannell's letter, there had been no further communication from him: and there was a loose report that he and a constable had been murdered by the mob.

4. The Lieut. Govr. left on the same night at 11 p.m., accompanied by Captn. Grant and, I believe, 24 sappers: and myself, His E. having requested me to accompany him. The frost wch had already set in two days froze the river fast in our rear the next day: and having diminished the supply of water in the river the rapids were so shoal that we could not pass up: and we were reduced to a state of inactivity and to allow ourselves to be frozen up in a creek about 8 miles above Harrison R.

5. While lying here we were informed by the enterprise of Mr. Ogilvy, a gentleman in charge of the Hudson's Bay settlement at Hopetown, who volunteers to the Lieut. Govr. to undertake in very severe weather to take a letter express to Capt. Whannell and also reconnoitre generally the state of affairs, that a disturbance and outrage of a very

(38) *See* notes (9) and (10) on Judge Begbie's correspondence, *ante*, p. 25.
(39) *See* note (11) on Judge Begbie's correspondence, *ante*, p. 25.
(40) For a short sketch of the career of this notorious character *see* introduction.

extraordinary nature had certainly taken place, but that no further breach of the peace was immediately threatened. The Lieut. Govr then determined to take the sappers no further than Hopetown[41] and to go up alone to Yale, especially as it appeared that it wod be necessary to go the remainder of the distance in small boats.

6. On our arrival at Yale, it appeared that on the 24th Decr. a man named Bernard Rice had been shot in a saloon there by a man named Foster. Capt. Whannell, in his anxiety to prevent the ends of justice from being defeated, had imprisoned Foster's partner (Adams) and a servant named Allmeyer, whom he intended to call as witnesses, requiring enormous bail for their appearance. For Foster's partner he required 10,000 dollars, one-fourth to be deposited in cash: but ultimately released him on giving security with two sureties for 6,500 dollars. These sureties now wish to be discharged, and I have to report that the ends of justice will not probably be affected by their discharge, and in my opinion they ought not to have been required for the liberation of Adams. For Allmeyer, a person (of) mean circumstances, $1,500 (£300) were required, with security; wch he was wholly unable to procure, and was consequently lying detained in custody when I arrived at Yale. Although when the man Allmeyer was before me I did not place much confidence in his looks or his statements, I felt that it was impossible to condemn too seriously the course pursued: wch amounted, the killer, Foster, having by this time absconded, to a sentence of perpetual imprisonment upon a witness of (as yet untried) murder: and which might turn out to be a case of even justifiable homicide. I therefore caused him to be brought up before Capt. Whannell and myself and we discharged him on his own recognizances in the sum of £50. A similar course was pursued in the case of another man, Compter, who was also imprisoned through inability to procure bail for what I conceived an excessive amount, for his appearance as a witness in another case. Him I also caused to be brought before Captn Whannell and myself, by whom he was dismissed from custody on entering into his own recognizances for a like amount of £50. This man when dismissed was in actual want of the commonest necessaries of food and clothing, and I only fixed the amount of his recognizances so high lest too great a contrast might be drawn between my proceedings and Capt. Whannell's.[42]

Adam's sureties ought to be discharged.

(41) Another name for Hope, or Fort Hope.

(42) These details show that the charges of tyrannous conduct on the part of Captain Whannell made by the miners in the preceding resolutions had some foundation.

7. It was not only witnesses that were thus oppressively treated. A colored man named Dixon had been maltreated by two citizens of the United States of N. A., Burns and Farrell, on the 25th Dec. last, an assault which was the occasion of the outrages which had called the Lieut. Govr and myself to Yale. Captn Whannell entertained Dixon's complaint and issued warrants for the apprehension of Burns and Farrell, although from the various accounts I received at Yale the assault was probably at law a common assault only. In order to secure the presence of Dixon to prosecute the complaint, Captn Whannell then committed him, Dixon, to close custody and so detained him. This brings me so near the final outrage that I shall proceed at once with the narrative and observe upon the conduct of parties afterwards. Upon Captn Whannell's warrant, Burns and Farrell were apprehended and taken before Mr. Perrier, another Justice of the Peace for the same district residing at Hill's Bar, the next village to Yale, about 1½ miles distant. Perrier, wishing to investigate the matter, sent his constable for Dixon, the prosecutor (who was, as stated above, detained in gaol at Yale). Captn. Whannell, having the prosecutor in his hands, refused to give him up: but demanded that Burns and Farrell shod be brought before him: and when the constable declined to undertake to do this without a written order, and also, as alleged by Captn. Whannell, upon some insolence or contempt at Captn. Whannell's authority, he, Captn. Whannell, threw Mr. Perrier's constable also into the gaol at Yale;[43] wch, being circumscribed in its limits, must, when thus containing prosecutor, witnesses, and constable—everybody but the accused persons—have been rather inconveniently crowded.

8. Mr. Perrier, indignant at this treatment of his constable, and apparently entirely ignorant of his power and authority and of the respect due to the commission of the peace, immediately fulminated against his rival a warrant for his apprehension, and also a warrant for forcibly taking Dixon out of the gaol at Yale and bringing him to Hill's Bar; and having no constable to whom the execution of these warrants could be committed, he swore in Edward McGowan and one Kelly[44] and, I believe, several others as special constables to execute the warrants. I only name these two, as they were the most noted men on Hill's Bar, and were therefore the two who were summoned before Mr. Brew,[45] J.P., and myself to answer for their conduct.

(43) Mr. Hickson. *See* note (31) on Judge Begbie's correspondence, *ante*, p. 30, and the affidavit of Thomas Plesley at the end of Judge Begbie's correspondence.

(44) Probably Terence Kelly, one of the men on the black-list of the Vigilance Committee, who in 1856 had, with others then mining on Hill's Bar, been ordered to leave California.

(45) Chartres Brew. *See* note (23) in this correspondence, *ante*, p. 27.

9. These two men then, with 12 or 14 others, all fully armed—the usual weapons worn here being one or two revolvers and a large knife—came to Yale, suddenly seized Captn. Whannell, who himself also usually sat in Court with a revolver at his belt, and also the gaoler, who refused to obey Perrier's warrant for the delivery-up of Dixon, the prosecutor. This was all effected with violence no doubt, but happily without bloodshed or injury to property, although there is no doubt that had the attack been less sudden and successful not one of all these men—justice, gaoler, or special constables—would have hesitated for an instant to use his revolver with the most deadly effect to carry out his will.

10. But little remains to be told. Captn. Whannell and his gaoler were both immediately taken before Perrier. The gaoler was discharged as having acted under orders. Capt. Whannell was fined 25 dollars " for contempt of Court " in Perrier's Court.

11. Of all these circumstances we were informed at great length on our arrival at Yale, and partly also on our way thither. Mr. Perrier was immediately (on Saturday, 15th Jany) sent for, and Your Excellency's despatch announcing his suspension was communicated to him on the next day, Sunday, after service in the Court-house read by the Lieut. Govr and myself as clerk.[46] The service was very well attended. A copy was also affixed publicly at Yale and at Hill's Bar. It was also announced that the Lieut. Governor and myself would go alone on Monday, the 17th Jany, to Hill's Bar (the sappers having been all left at Hopetown) to examine into the affair, and summonses were prepared for that purpose. But on the afternoon of Sunday, the 16th Jan., McGowan in the town of Yale assaulted one Dr. Fifer—it is true, without inflicting any personal injury, but with circumstances of great contumely, although he knew that the Lieut. Govr was then residing within 100 yards of the spot where the assault took place. Under these circumstances it was considered right to proceed more formally.[47] Summonses were issued to McGowan to answer this assault and the assault on Captn. Whannell, and to Kelly for the latter assault, returnable at Yale and with full legal notice. And on Wednesday the hearing took place. On the summons for the assault on Fifer, McGowan pleaded guilty, expressed his regret and his intention to observe the laws

(46) This was in pursuance of the Governor's decision, as stated to Lytton on January 8, 1859: " Justice Perrier, who appears to have acted in the arrest of his brother magistrate either under the influence of fear or fraud, will also be struck off the list of officers." Perrier continued to mine on Hill's Bar for at least a year longer.

(47) It was this assault, coupled with the bad reputation of the miners on Hill's Bar, that caused Colonel Moody to order up the Royal Engineers from Hope and the marines and bluejackets from Langley. *See* note (27), *ante*, p. 29. Dr. Fifer was of the Vigilance Committee faction of California; and in assaulting him McGowan was avowedly clearing off some old scores. This appears later in the letter.

strictly for the future—expressions wch I was very glad to hear, as coming from a man reputed to be of violent character, and made without any compulsion whatever, and in the presence of a large crowd of men over most of whom he exercises a very considerable influence, and therefore possessing much more weight with these bystanders than any words of mine.

12. The next matter then came to be examined into; and although irregular, I permitted the defendants to enter into what really was the gist of their case—viz., that they were acting under virtue of a warrant from a justice of the peace wch they were in fact precluded from even questioning. Mr. Perrier was examined on this point; and on the whole Mr. Brew and I were both of opinion that no jury would have convicted on an indictment for the alleged misdemeanour in assaulting the Justice and forcing the gaol. It appeared, indeed, to me that if the matter had gone to trial I should have been bound to direct an acquittal. With the concurrence of the Lieut. Governor, therefore, Mr. Brew and myself directed the defendants to be dismissed.[48] I ought here to mention that Mr. Brew, J.P., arrived very opportunely, having travelled express in a canoe all the way from Langley in very trying weather,[49] and that he was of the greatest assistance to me in this affair, carrying out all the details; my time being very much occupied in other multiplied investigations, chiefly relating to the conduct of Mr. Hicks, late J.P. and Assistant Crown Commissioner at Yale, into wch the Lieut. Governor deemed it necessary for the public service to institute minute inquiries.

14. I am sorry to have to report, as the result of those inquiries, throughout wch the Lieut. Governor bore a patient and laborious part, Mr. Hicks appears wholly to have neglected his duties as far as keeping any records: the imperfect entries wch he has kept being such as to invite doubt and investigation only, and being apparently incapable of proper explanation even by himself—that he appears wholly to have neglected any attempt to collect the revenue wch it was his duty to have collected, and wch to some extent at least might have been collected, whereas it is now more than probable that much of the arrears will be lost; that he has on many occasions by his own admission taken unauthorized fees from miners or others for recording or pre-

(48) Lieutenant Mayne states that the next day Judge Begbie and himself visited Hill's Bar. McGowan, he says, "conducted us over the diggings, washed some 'dirt' to show us the process, and invited us to a collation in his hut, where we drank champagne with some twelve or fifteen of his Californian mining friends. And, whatever opinion the Vigilance Committee of San Francisco might entertain of these gentlemen, I, speaking as I found them, can only say that, all things considered, I have rarely lunched with a better-spoken, pleasanter party."

(49) "On the morning of the 16th (January, 1859) I started in the lighter of our canoes and reached Fort Hope the same night in time to proceed on to Fort Yale with the party of Royal Engineers under Captain Grant. We arrived at Fort Yale at 8 o'clock afternoon [sic] on 17th." *See* letter, Brew to Moody, January 20, 1859, in Yale Record Book.

tending to record their claims; that he has in several instances, on granting or pretending to grant privileges connected with the land, reserved or obtained for himself an interest in the profits; that he, being authorized to grant liquor licences, has in particular granted to one Kingham an exclusive wholesale liquor license at Yale in wch he is allowed a third or a quarter share on the express stipulation that no other person shall be allowed a wholesale license there, and has refused to grant such other license accordingly: and that he has brought the whole administration of justice into contempt.[50] It is scarcely possible to arrive at an accurate knowledge of his misconduct, as we found by experience that no reliance is to be placed on his most distinct assurances on subjects wch must be within his own personal and very recent knowledge; e.g., an interest reserved to himself in a sawmill and a ferry, as to which he admitted on the last day we were at Yale that he had told us clear and repeated falsehoods. The whole of the leases in the Yale town district are, moreover, so far as I have seen them, void, in consequence of his having without a pretense of authority very materially altered the terms of the printed forms wch he had furnished by Your Excellency; in fact, omitting the principal stipulations in the lease introduced on the part of the Crown. I am therefore of opinion that Mr. Hicks is totally unworthy of serving Her Majesty in any capacity whatever, and that it would be extremely proper that criminal proceedings shod be instituted against him.

In consequence of the state of titles to town lots at Yale arising from the falsification of the leases and the recording or alleged recording of conflicting claims, it would almost seem a proper step to wipe out all that has been done and recommence the town. The buildings wod not all require to be removed: and all of them are of a very light description and could easily be rebuilt anywhere.

As to the origin of the outrages, it appeared that Yale and its vicinity are chiefly inhabited by citizens of the United States of N.A. more or less connected with California; and, like other Californians, deeply imbued with party spirit; and, like all United States citizens, very fond of political excitement and meetings, particularly when they conceive that some legal right has been infringed. Yale is chiefly inhabited by partisans of the "Vigilance Committee"; Hill's Bar by partisans of the "Law and Order" party in San Francisco. In particular McGowan and Bagley[51] are resident there, owning claims on the bar; also Wilson, an ex-alderman. Not one of these men's

(50) For the details of these various misdeeds see the charges made by Captain Whannell, *post*, pp. 73, 74, 75, and 76.

(51) Probably J. W. Bagley, a notorious person in California in 1856. The executive of the Vigilance Committee had resolved, in September, 1857, "that if J. W. Bagley is found in San Francisco after the 20th instant he will be immediately executed without trial."

lives wo^d be worth an hour's purchase in any street in San Francisco, nor probably a month's purchase in any large town in the Union: and they and others all know it. They have been expatriated for no proved crime and not unnaturally are indignant at their banishers and at all who sympathize with them. Having never experienced the protection of the law—finding it impossible to return to their own country and stand a trial, for they wo^d be certainly shot down even in the very Court of justice—they have become habituated to violence and to a distrust and contempt of all constituted authorities, and become their own avengers whenever and wherever they meet any of their supposed oppressors. Fifer, whom McGowan assaulted as above mentioned, is a "Vigilante," and McGowan avowed that he assaulted him on that score. I believe that McGowan and his party had reason to believe that an attempt, at all events, was contemplated to construct something like a Vigilance Committee at Yale, directed agst themselves. How criminal and bootless such an attempt wo^d have been under Your Excellency's administration[52] it is not necessary for me to point out. I believe that it was seriously apprehended by McGowan: and though they believe, perhaps, that it might ultimately be disowned or perhaps put down by Your Excellency's Govt., yet they evidently had some anxiety as to the inconveniences to wch they might have been put in the meantime, and even as to the spirit in wch such a quasi-Vigilance Committee might be viewed at Victoria. They therefore resolved to anticipate violence by violence. It appeared to me that when their violence was reprehended and punished as it was by me, they acquiesced all the more readily and cheerfully in my decision because they received at the same time assurances that the same protection sho^d be extended to them in case of need wch was now exercised against them.

It is easy to conceive what a ready opening there was for disturbance in a district where a weak and corrupt magistrate like Mr. Hicks, having thrown men's minds and titles into discontent and confusion, was succeeded by two magistrates like Capt^n Whannell and Mr. Perrier, alike ignorant of the law, surrounded by evil counsellors, and carried away with the most unbounded ideas of the dignity of their offices and themselves. It appears very providential that no more serious consequences took place.

In my opinion neither of these gentlemen are fitted by their learning or discretion usefully to fill the duties of the Justice of the Peace;[53] although I feel bound to add that not only nothing was proved, but nothing was alleged against their personal honour and uncorrupted

(52) "And under my own," Judge Begbie might well have added.
(53) "Captain" Whannell, however, was not then dismissed.

integrity, though every cause of offence, it is needless to say, was remembered and brought forward.

From what has come before me I feel bound to state to Your Excellency that I have no confidence that anywhere else in British Columbia higher up the Fraser the office of justice of the peace is so efficiently represented as is desirable, and I feel bound to recommend that when any discreet person be found he shod be appointed without delay and proceed directly up the river where a very large immigration may almost immediately be expected. From what I have observed a very small force of regular police constables wod in general be necessary.

A large proportion of the population might, I think, be depended upon as special constables; and evil-doers are in general disunited, aware of the positive animosity with wch they are regarded by a large number of the persons by whom they are surrounded, and, though prone to violence, not very courageous. The late expedition of troops also, at perhaps the very worst period of the winter wch has yet occurred, has, I hope, shown them the temper of Your Excellency's Gov't.

With respect to the powers of Justices of the Peace, various alterations have suggested themselves, chiefly in consequence of the late occurrences. These I propose to reduce into the form of a Proclamation having the force of law, and to submit to Your Excellency for approval. The chief points which wod be brought forward would be:—

1st. The abolition of all districts wch are at present wholly undefined and seem to promote confusion and jealousies.

2nd. Empowering a single Justice to do all acts for which by the English law two Justices are required.

3rd. Augmenting the pecuniary penalties; the English fines of 5s. and even 40s. are quite inadequate in "ounce diggings" districts.

4th. Regulating the fees to be taken. At present I am not aware of any authorized table of fees; very different amounts are demanded at different places, and in some the fees seem perfectly exorbitant.

5th. Throwing the Excise and Customs duties' proceedings into the summary jurisdiction of justices.

6th. Generally codifying and classifying offences. This draft I have in a great measure prepared, but I feel great difficulty in the absence of the English Statute of 1848, wch codifies, I believe, the English law on the subject and of wch no copy exists in the Colony.

I may state the weather was exceedingly ill adapted for travelling. The snow lay eighteen inches deep on the flats opposite to Yale after a

rain of 36 hours. But although we experienced a very great deal of frost and snow, I doubt whether the thermometer ever descended 10° F. below freezing. And the weather was in general calm, with the exception of one tremendous storm at Yale wch lasted only a very few hours.

I should feel that I would be committing an act of injustice in closing this Report without expressing, however inadequately, the obligations under wch I conceive the Government has been placed by the Officers of the Hudson's Bay Company and which probably the Lieut. Govr. will express more strongly than myself. It appeared to me that but for the goodwill, energy, endurance, and personal influence with classes possessed by those officers not only would the public service have been very much impeded, but wod for the time at least have been impossible to be carried on. Wherever there was a Hudson's Bay post there was a certainty of a hospitable offer of shelter and provisions; wherever there was a Hudson's Bay Company's man there was an energetic, intelligent, and trustworthy aid.

I have the honor to be,
Sir,
Your obed. Serv't,
MATT. B. BEGBIE.

*To His Excellency the Govr., etc.*

---

VICTORIA, V.I.,
2nd March, 1859.

SIR,—I beg to hand to Your Excellency for approval the draft of a Proclamation wch I think would be proper to issue previous to holding trials, etc., involving questions of life and death.

Owing to the absence of all the usual Court officials who in England perform the offices of registrar, assize clerk, etc., I suggest that Your Excellency shod give power to such person as I may from time to time appoint to be assize clerk to do in fact all such ministerial acts as I may direct.

In the Commission of the 2nd Sept., 1858, wch Her Majesty was pleased to direct to me, there is no statement as to my constituting any one of the three Courts of Common Law in England, or a Court of Equity. There are Judges of course in all these Courts, as also, in fact, in other courts. And as this indefinite nature of my commission might be laid hold of, I beg to suggest that you invest me by this Proclamation with all the authorities

4 Bl. Coms. 270.

of the Court of Queen's Bench in England, being the highest criminal Court. I shod have no hesitation in assuming a jurisdiction in civil cases, but in matters of life and death I think the highest jurisdiction not too great.

I have the honor to be,
Sir,
Your obedient servant,
MATT. B. BEGBIE.

*To His Excellency the Governor.*

---

JUSTICE OF THE PEACE—OATH.

I, *A. B.*, do solemnly swear that I will honestly and truly perform all the duties of [High Sheriff for] [a Justice of the Peace in] the Colony of British Columbia to the best of my knowledge and ability, without fear or favor, according to the laws which now are or hereafter shall be in force in the sd Colony. So help me God.

.....
*High Sheriff.*

BRITISH COLUMBIA—PROCLAMATION.[54]

By His Excellency James Douglas, Governor and Commander-in-Chief of Her Excellency's Colony of British Columbia, having the force of law for making temporary provision for the better administration of Justice in the said Colony.

Whereas, by a commission under the Great Seal of the United Kingdom of Great Britain and Ireland, which has been duly proclaimed and published, I, the Governor of British Columbia, have been authorized by Proclamation under the Public Seal of the Colony to make laws, institutions, and ordinances for the peace, order, and good Govment of the same:

And whereas it is expedient to make temporary provision for the trial of criminals and of civil causes in British Columbia, and to provide for the issuing of writs and the inforcement of process thereupon:

Now, therefore, I, James Douglas, Governor of the said Colony, do hereby enact, proclaim, and declare as follows, viz.:—

1st. It shall be lawful for the Judge in British Columbia to appoint from time to time, by any writing under his hand, some fit and proper person to be assize clerk in British Columbia: and that every person so appointed shall have power to issue all such writs and do all such acts as he shall be directed by the said Judge to do and as are usually done

(54) This Proclamation does not seem to have been issued. It is not to be found in the printed Proclamations of Governor Douglas.

by any sessions clerk, or by the clerk of the Crown or clerk of the writs, or associate of the Court of Queen's Bench in England: and that all ministerial acts *bona fide* done by such assize clerk, and for the doing of which he shall not be expressly disqualified, shall be as valid and shall be enforcible in the same way as if such acts had been done by the sessions clerk, clerk of the Crown, clerk of the writs, or associate respectively.

2nd. The Judge in British Columbia shall have all the like powers and authorities in all respects as are exercised by the Court of Queen's Bench in England.

3rd. It shall be lawful for the said Judge in British Columbia to direct any criminal or accused person to be detained in custody in Vancouver Island although convicted or accused of offences committed in British Columbia: Provided always that the whole expense of the conveyance, maintenance, reconveyance, and treatment of the said prisoners or accused person shall be exclusively borne by the said Colony of British Columbia.

4th. This Proclamation shall continue in force for the space of twelve months from the date hereof and no longer, unless the same shall in the meantime be extended by lawful authority.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this second day of March, one thousand eight hundred and fifty-nine, in the twenty-second year of Her Majesty's reign, by me.

NOTE.—Copy B.C. Proclamation. Judge to be of C.B. Power to appt. assize clerk, etc. 5th March, 1859.

---

LANGLEY BARRACKS,[55]
10/3/59.

DEAR SIR,—I am sorry to say that in consequence of my non-arrival on Monday, and the boisterous state of the weather here wch induced people to suppose that the "Governor Douglas"[56] could not cross at all, two of the principal witnesses in Jones's case left Langley a few hours before my arrival. Mr. Pearkes expected, however, to find other witnesses agst him (Jones) and we proceeded with the trial to-day. Bedford was foreman of the Grand Jury and found true

(55) This letter was evidently written from the barracks built by the Royal Engineers at Derby, or Old Langley, before Colonel Moody, with the approval of Governor Douglas, selected the site of New Westminster.

(56) A steamer built in Victoria in November, 1858, by the Victoria Steam Navigation Company, in which Captain William Irving and A. S. Murray were largely interested. Until her advent the whole carrying trade on the Fraser was done by the American vessels "Surprise," "Umatilla," "Seabird," "Enterprise," "Maria," etc., under "sufferances." She made her first trip to Langley on January 27, 1859.

bills agst both the prisoners for murder. The Grand Jury made presentments of 3 public inconveniences:—

1. The practise of carrying offensive weapons on the person, especially in the neighbourhood of towns.

2. Some arrangement about the permits; goods bought in Victoria and properly paid on and cleared up here are, it appears, subject to seizure higher up the river after being sold here by importers to smaller traders, unless these last produce also a permit; and

3. The want of a port of entry in the Fraser.

The trial of Jones was ultimately postponed on the application of Mr. Pearkes.[57] That of Niel was proceeded with. I found it necessary to withdraw from the jury all the capital part of the case: it was a sudden combat, it appeared, in wch the deceased had fired the first shot. It occurred in a drinking saloon: gaming was going on: and arose out of a quarrel about the change for some money, apparently lost at cards. The jury were partly from the necessity of the case, partly from the prisoner being entitled to have half foreigners on his jury; not necessarily citizens of the U. S., but foreigners of some sort.[58] They were a remarkably intelligent jury. The defendant urged that it was in self-defence. I charged the jury pretty strongly for manslaughter: in fact, it appeared to me a case too clear for them to require to turn round in their box. They did not, however, come to a decision until they had been locked up for near 5 hours, and sent for me twice—once I wrote; once I went in to them. They could not in the end agree to guilty or not guilty: so at my suggestion, made three hours before, they at last sent in a special verdict, finding: 1st, that Niel killed the deced by firing at him; 2nd, that the deceased had fired at Niel; but that, 3rd, they could not come to any decision on the evidence whether Niel had retreated as far as he could previously to firing, wch last finding was not to be wondered at, seeing that not only was there no evidence that he shewed any unwillingness for the combat, but that he expressed his readiness: "If that is your game," he cried, "I'm in"; and advanced firing bullet after bullet with fatal precision, drilling the deced at every shot. This amounts to manslaughter: the deced (although the jury do not say so) having, on the evidence, fired the first shot. If Niel had fired the first I shod have been obliged to let the case go to the jury for wilful murder.[59]

(57) George Jones, accused of the murder of H. Wallace at Yale on December 14, 1858. It was this difficulty in securing the attendance of witnesses in the constantly moving community of miners that doubtless induced Captain Whannell to arrest them so as to have them available when required.

(58) By the law as it then stood an alien was entitled to a jury of which one-half were foreigners; but, as Judge Begbie points out, the necessity of the case would have effected the same result. *See*, too, the Jurors Proclamation, March 8, 1860.

(59) This was the case of which Mr. Hicks had written, November 12, 1858, "that a more cool and deliberate murder seldom occurs." *See* his letter, *ante*, p. 13, and note (37) thereto.

This verdict I received long after dark, having resolved to take up my quarters in an empty room at the back of the Court-house, purely for Ogilvy's sake, who was on the jury and suffering from a bad gumboil. Had it not been for him I shod have gone back to the Fort and left the obstinate jury here all night, without coal, food, or candle.[60] They were all pretty glad to get out and seem determined never to come on a jury again, each party calling the other a set of obstinate fools. I think the plan of taking special verdicts, wch I opened to you in conversation some time ago, must be followed for some time. It will be difficult, perhaps, to get a jury to say "guilty" when they cannot, on their oaths, refuse to state the result of the evidence.

The "Beaver" leaves, I believe, to-morrow morning. I shall request Capt. Sinclair to sound his whistle at leaving, and stop opposite the "Recovery" to take the prisoners on board; there is no probability of keeping them here, and I shall take advantage of your late Proclamation and sentence Niel to penal servitude in Victoria; you may afterwards do with him as you please.

I think all the proceedings, so far as they have gone hitherto, seem to have been regarded with great respect and some little awe. Mr. Nicol[61] appears a very intelligent, active officer. There is one boat here seized before the issuing of the late Proclamation.[62] There are 5 men, and the whole boat and seizure is estimated by Mr. Bevis[63] at $150. I propose to authorize him to release the seizure on payment of $50, $\frac{1}{3}$ of the estimated amount. The parties effecting the seizure are entitled to one-third; and in releasing the boat I do not like to do anything wch may interfere with Mr. Bevis's just expectations. I think this $50 ought to go as if the goods had been sold. The Customs dues on the freight, about $100 worth of flour and sugar, wod. at 10 per cent. only come to $10; the sufferance for the boat wod. at Victoria have been, as we know, $5. The fisc. will therefore only lose $15, wch, if you think I am doing very wrong, you may make me repay. It seems hard that the country shod lose the industry of 5 men and the men themselves $150 of property in a case where no fraud is clearly shown to have been intended, and where the fisc. only has an interest of $^1/_{10}$ part of the value of the property—viz., $15. I propose to proceed on Monday by the "Maria"[64] to Fort Hope and Fort Yale.

(60) This old and harsh law gave rise to the poet's line: "And wretches hang that jurymen may dine."

(61) Charles Samuel Nicol, the first High Sheriff of British Columbia. *See* the Jurors Proclamation, March 8, 1860.

(62) The Customs Act, or Proclamation, March 5, 1859.

(63) The Revenue Officer at Langley. *See* note (35), *ante*, p. 32.

(64) An American steamer which in 1858 had taken the place of the "Umatilla" when the latter returned to San Francisco.

The Court-house here is held in the barracks, wch contain nearly twice the accommodation of the new proposed parsonage, Court-house, and church all put together. It would have been well to have taken them over for that purpose, wch they wo^d^ suit very well, and they are about the best-built wooden buildings and neatest-looking I have seen either here or in V. I.

I beg that you will apologize to Mr. Anderson[65] for my intrusion upon his orders, wch I admit, of course, to be altogether unauthorized and impertinent, but the case comes, I think, so completely within the spirit (though not in time to come within the letter) of your late Proclamation that I have with some hesitation ventured to direct Mr. Bevis to depart from the rigor hitherto observed, reserving to him his full due: or at least reserving the proportion wch wo^d^ have come to him had the seizure gone to a sale, and wch you may deal with at your pleasure.

Friday, 7 a.m. The "Beaver" is starting 4 hours earlier than I expected, and I must close precipitately and can only send Jones, not having given judgment in the other case.

Believe me,

Yours faithfully,

MATT. B. BEGBIE.

---

QUEENBOROUGH,[66]

12th March, 1859.

DEAR SIR,—I sentenced the prisoner Niel[67] this morning to four years' penal servitude, to be undergone for the present in Victoria. I took the opportunity of making a few observations wch the occasion seemed to call for, pointing out the leading vices wch seemed to have led to the crime and showing the audience what the law of homicide is; not unluckily, I happened to find a United States law-book, from wch I read some of the more decisive passages. I never saw a Court conducted with more propriety; there was a tolerably large audience.

After the conclusion of the trial I wrote to Capt^n^. Sinclair, of the "Beaver," who was advertised to leave Fort Langley at 10 a.m., informing him that there would be two prisoners ready for him at 11 a.m. if he could remain so long. However, he left at 7 a.m., leaving several disappointed passengers, as I afterwards heard at the Fort; and of course leaving also the prisoner Neil. Capt^n^. Sinclair wrote me

(65) Alexander Caulfield Anderson, the Collector of Customs at Victoria, which under Douglas's Proclamation of December 3, 1858, had been created the port of entry for British Columbia. By the Customs Proclamation of March 5, 1859, vessels bound for Fraser River could enter at Queenborough (New Westminster).

(66) One of the first names of New Westminster before the present name was selected by Queen Victoria.

(67) Judge Begbie gave an account of this man's crime in the preceding letter.

a civil note regretting his inability to delay; but his owners have certainly lost several hundred dollars on the run by passengers left behind. The complaints about him are loud, bitter, and universal, and only soothed by the explanation that he is insane. On arriving off Queenborough he pitched overboard into the water (above low-water mark) some bricks and barrels of lime, wch are rendered of little value, to poor Captain Parsons's great concern. I suppose you will have heard of this from Coll. Moody.

I came down here on the "Recovery" wch was towed down here by the "Maria"[68] steamer—leaving a little after high water. It took two hours to come down, I suppose, 13 miles. The weather is very much agst any proceedings here; there is from 6 to 8 inches of snow all over the site of Queenborough, and to-day it is snowing fast. It is scarce possible to survey. The men[69] are in a log hut and the Colonel[70] in a shake house. The face of the country is being gradually better known, although very little cleared. Two trout-streams have been discovered: one running into the right of the bay opposite the shoal; the other nearly opposite Tree island.[71] The latter runs for a considerable distance, apparently, parallel to the Pitt R. and issues, like the Pitt, from a lake in the mountains. This confirms, as far as it goes, the opinion formed on the January explorations, that there is a larger space between the sea and the Pitt or Bedford Lake than the map wod lead us to suppose.

I drew for the expenses of some of the witnesses at the trial two bills on Captn Gosset[72] for $183 and $53. I also paid the expenses of bringing the 2 prisoners here and placing them in custody of Mr. Nicol, $65. Total, $331. With respect to one witness, James Brown, the partner of the deced man, he had been mainly instrumental, according to his own account, wch I believe to be truly, in tracking and securing the criminal; in fact, his evidence was attempted to be shaken on the ground of the strong personal animosity wch he had displayed. And he very frankly admitted that he would have followed the prisoner equally if he had never expected a reward; but that he thought the Government could pay, and might as well do so, and that he suggested another $100. I explained to him that I could order no such payment without further sanction (although I am not sure

(68) *See* note (64), *ante*, p. 45. This steamer was brought up on a barge from San Francisco, and the "Umatilla," which had been bought off by opposing interests, was taken back to San Francisco on the same barge. The "Maria" later became a British bottom and operated on the Fraser until 1862, when she was taken to the Columbia River, where she ended her days.

(69) The thirty-two men of the Royal Engineers then in the colony.

(70) Colonel Moody.

(71) The former of these two "trout streams" is the Brunette; the latter, the Coquitlam. Judge Begbie, it may be added, was an enthusiastic sportsman.

(72) The Colonial Treasurer.

that I could not according to English custom), but promised to report the case: wch I report accordingly. The usual practice in England is that the expenses of criminal prosecutions be borne by the county rates in the first instance, to which they are recouped, I believe, out of the consolidated fund.

The sanction to the treasurer is the Judge's initials. Mr. Nicol and Mr. Bushby[73] both investigated all the accounts and have the particulars, wch seemed to me to be reasonable.

There are several little matters here wch can scarcely be explained in the compass of a letter, and, though small, lead to many observations and might perhaps establish a precedent. For instance, one man, Colman, the same who had been involved in that unfortunate litigation before Travaillot,[74] wants a permission to go to a point opposite the Harrison R., a little higher up, and cut wood to supply the steamer with fuel. I propose to Coll. Moody to apply to him the trading license proclamn.—treat this as the trade of felling and selling firewood; allow him to use unoccupied Crown land, say 40 feet square, for that purpose; and pay 30s. a month and 1s. for everything felled. I have drawn a short form to that effect wch I leave with Coll. Moody; with a clause expressly stipulating that the lessee is to remove at 15 days' notice without any compensation whatever, and everything not removed to be confiscated.

There are squatters, traders already coming to Queenborough—one a baker who has supplied the troops at Langley with bread all the winter. I saw him this afternoon in the snow handing out the bricks out of a scow for making his oven in a tangled jungle where you would think an oven wod. never be. I propose to Coll. Moody, as Commr. of Lands, to take rent from these in the same way and form. I don't think the principle can be applied to sawmills or farmers, who require a larger extent of ground, more difficult to ascertain, more likely to be encroached upon.

There appears to be a very considerable extent of land between Queenborough and the Pitt R. prairie, or nearly so, well watered by rapid brooks and described in most glowing terms by all who have been up. The soil all over the hill here and wherever the surveying parties have been is most admirable.

I saw Mr. Kirk to-day. He seems an extremely proper man for his post and is well spoken of by all here. I rather suspect Bevis and he do not agree very well. I shod. think he is at least as good a man as Bevis; but I shod. be sorry to see the latter displaced, as I rather

(73) Arthur Thomas Bushby, at that time Registrar of the Supreme Court of British Columbia. He, later, occupied many government positions, including that of Postmaster-General.
(74) Captain Travaillot, the Assistant Commissioner of Crown Lands, etc., at Lytton.

like him notwithstanding several stories here about him: wch I always put to the fault of the empty sack that could not stand upright. He is always against his own interest; fair and liberal in his statements relative to revenue matters, so far as they come before me; and I never go to the beach at Langley without some request or another relative to the boats seized, wch I cannot always attend to. The parties in whose favor (Simmons or Simons & Co.) I authorized Mr. Bevis the other day to liberate their boat and stores on payment of £10 have, I am informed, declined to redeem on those terms. The £10 wod. have paid the usual fees and Mr. Bevis's ⅓ nearly, as he reduced his valuation from £30 to £24 for the whole. Their refusal, however, releases me from any responsibility in the matter. Another man, Paston, applied to me this morning; he had two trunks seized on board one of the many boats going up to Fort Hope. He was not on board himself. I gave Mr. Bevis an authority to release them at once (instead of proceeding to a sale by auction) to the owner on payment of the full value wch he estimated the property wod. fetch if fairly sold by auction, and told Paston he might make any application he liked for a return of the money. This again is an interference in a matter with wch I know I have nothing to do, but I do not think the revenue can suffer, and the poor wretch, if innocent, has already suffered mental anxiety and been mulcted in the sum necessary to pay his expenses from Fort Hope and back. If he did knowingly wrong, I don't think he will try it again. If he was innocent, he has suffered enough.

Bevis suggested to me that he has only one room *in all,* for office, living, sleeping, cooking, and he is a married man. However, as he said he was to be in Victoria very soon, I directed him to lay these circumstances before you personally.

I do hope the barracks at Langley may be saved. As to the new Court-house, wch is nearly framed, the two rooms at the back have not the slightest convenience of any description whatever; and how it is intended to get at the apartments on the first floor Mr. Fells does not understand, as there are no stairs nor any place to put them. They cannot be in the Court-room, as they would block up what alone can be the jury-box, and if in one of the back rooms they wod. block it completely up. I did not observe either the parsonage, the church,[75] or the gaol; I do not think they are commenced. The snow lay on the ground the whole time we were there and it was not very tempting for explorations. The barracks by themselves alone afford adequate accommodation for all purposes, and will not be wanted apparently

(75) The church must, nevertheless, have been erected in part at any rate, for on May 13, 1859, the Rev. Mr. Crickmer preached in it. In 1882 it was removed to Maple Ridge, where it still stands.

except for the women and children of the men coming out, who will of course be kept from their husbands as short a time as possible.

There was a complaint by some newly arrived Yankees at Langley that the Indians had stolen their goods and one boat coming up. I thought it very odd, but thought there might be something in it, because it is so unusual: and as there must be a robbery some time or other, of course every day's delay makes it more likely to occur. It did not come before me officially, but I suggested that a good many more inquiries shod. be made before it met with implicit credence. There was some mystery about it; and at last the fellows intimated, I believe, their willingness to accept a reasonable compensation from the Government, etc. So then it was clear at once; it was a case of the "Mayflower" in little. You may perhaps hear more of it; perhaps you may not.

Colonel Moody has not got copies of the recent proclamations. Might I suggest that you shod. direct Mr. Young to enclose him the boats proclamn. and that concerning the tariff of licenses, etc.[76] It seems to me that the 30s. per month for the use of Crown lands and all licenses under that head fall more properly within his department than under the Customs or Excise departments, the payment being not for the license to trade as in England—e.g., tobacco and spirit and auctioneer's licenses—but for the use of Crown land. And it seems useful, if anything is to be permitted of the sort, that all the documents ought to be in the Land Office, to know what land is occupied and what not. Perhaps a public notification that all applications respecting lands ought to be sent through Col. Moody wod. be desirable.

Sunday, 13th. I return to Fort Langley to-night and to-morrow morning start for Fort Hope and Fort Yale with Mr. Ogilvy, Mr. McColl,[77] and Mr. Bushby. Really, unless the weather is lighter, I shall not attempt Lytton, but return at once from Fort Yale.

Believe me,
Yours very truly,
MATT. B. BEGBIE.

---

FORT YALE,
19th March, 1859.

DEAR SIR,—We arrived here this afternoon, having luckily had a few hours' tolerably fine weather and a much more pleasant passage up than we expected. There appear to be fewer persons from Fort

(76) The Proclamation of February 7, 1859, relating to licenses, etc., and that of March 5, 1859, relating to Customs, etc.
(77) Sergeant McColl, one of the Royal Engineers, belonging to Captain Parsons's survey party.

Hope to Fort Yale than in January last and the river seems lower. This evening, however, it froze sharp as soon as the sun set and is now snowing heavily. There was some cake ice near six inches thick in the eddy off Strawberry Island. Great quantities of miners have gone up the river—many English; none stopping here, scarcely.[78]

Capt^n^. Whannell we found just the same as usual: calmer, I think, since Mr. Hicks's departure, wch I was not aware of until my arrival here. Mr. Nicol and myself have mattresses in his parlour; there appears to be scarcely another spare sleeping-place in the town. There seems much uncertainty as to the town lots here, and I really think that the plan adopted as between Queenborough and Langley wo^d^. give more satisfaction than what is now the state of affairs[79]—viz., declare all that has been done of none effect, relay the whole place, and put it up to auction, allowing to bidders the whole of their advances to Gov^t^. and, say, ⅔ of their outlay: or, better, give every purchaser in the new town all his advances to Government and the right to take away and dispose in any manner of any building or improvements wch he may have made on the present sites. The town is not laid out at all, except with parallel rulers and a water-line. The leases are, every one of them I believe, invalidated by the unauthorized erasures of the two terms originally contained in them—viz., payment of rent to be in advance and power of resumption in the Gov^t^. And if this general confiscation be not made, it seems probable that a far larger amount in £. s. d. will be shortly expended in law costs besides the *time* wch will be lost to the Colony if the town be long delayed.

Nobody would be really injured by this: for in 6 months the place will be much more improved than sufficiently to compensate for the loss.

Mr. Coe[80] was extremely anxious before I left Fort Hope that I sho^d^. authorize his cutting some trees for his mill wch he expects to have in working order in 20 days. He shewed me a letter from Dr. Tuzo[81] and written by Your Excellency's order, in wch he certainly is justified in assuming that he is to have the mill. There are thousands of trees close by; he proposes at present to take some—he spoke of 20 or 30 out of several hundreds immediately behind his mill upon what

(78) "The migration of miners to the upper districts of Fraser's River continues unabated; 300 boats, carrying on an average five white men each, had passed Fort Yale previously to the 24th of March, and a greater number of men are reported to have gone towards the same quarter by land, having packed their provisions either on mules or on men's backs to the various diggings, giving thus a collective number of about 3,000 men." *See* letter, Douglas to Lytton, April 12, 1859, in B.C. Papers, Part III., p. 6.

(79) This was the result of the carelessness (or worse) of Mr. Hicks, the late Assistant Commissioner of Crown Lands at Yale. *See* Judge Begbie's earlier letter of February 3, 1859, *ante*, p. 38.

(80) John Coe, who with his associates, H. White and D. Patterson, had on November 5, 1858, been granted by Mr. Hicks the right to erect a sawmill on "the creek about half a mile above Hope" and to use the water-power of that creek, and to "cut, fall, and use the standing timber adjacent to Hope or such land as shall be selected for the purpose by said commissioner."

(81) Probably H. A. Tuzo, of the Hudson's Bay Company in Victoria.

appears to be rough somewhat steeply rising ground. (I explained to him that a good many of these trees, but I certainly think that one-tenth of them wod. probably be sufficient, wod. be retained by way of ornament.) Ultimately he proposes to take the trees by means of a shoot from high up among the rocks, where they can be of no earthly value to any body else. It wod. be of great importance to the town to get lumber on this spot at 50 dollars per 1,000. They were paying $90 for it here last winter and $80 now I am informed, and have had to pay $100 at Fort Hope.

Capt. Whannell desires me to mention to you that he is exceedingly anxious to be removed. I fancy he means by that promoted. He say that he wrote to Col. Moody the letter of resignation wch he mentioned to him; I write a few words to the Coll. at Queenboro on the point. He also (Capt. Wl.) says that he wrote to Your Excellency through Coll. Moody submitting that the fine of $25 inflicted by Perrier[82] ought to be remitted by the Crown: wch appears certainly proper, as it never ought to have been inflicted. Perrier, having received it, is bound to a/c for it to the treasury: but the treasury may at once I wod. submit, order it to be repaid to Captn. W. Perrier was willing when I was last here to repay it; but I pointed out that, having been received by him for the Crown, he must pay it to the Crown officers, who might deal with it as was thought just. He repaid the costs while I was here. W. says that he has received no answer to his application to Your Excellency.

We are to have a sermon to-morrow from one of the Wesleyan ministers, who is, I believe, going higher up the river also. I don't know where he lodges and he does not seem to care, but though quite a boy in looks everybody seems to think he gives a very good sermon. He preaches at Fort Yale in the morning, Emory Bar in the middle of the day, and Fort Yale in the evening; paddling himself, as Saint Peter used to do.[83]

The snow is by no means clear at Lytton; according to all reports, there is still too much for any surveying to be done. I wish that I had had sufficient confidence, in the Irish sense, to ask you to appoint Mr. Nicol and myself commissioners to settle land disputes up here. Both at Fort Hope and at Fort Yale there are matters, but here especially, wch I submit really ought to be settled one way or the other: and any settlement almost is better than none at all. Hicks has left things in a hopeless state up here. A few of his doings: He has

(82) The fine for the "contempt of Court," one of the incidents that led up to the "Ned McGowan War." *See* the details in Judge Begbie's letter of February 3, 1859, *ante*, p. 36.

(83) The Rev. Ebenezer Robson, later the Rev. Dr. Robson. The first Methodist ministers in British Columbia were himself, the Rev. E. White, the Rev. Arthur Browning, and the Rev. Dr. Evans. They arrived in Victoria in February, 1859.

received applications from his friends for leases so early as the 15th Octr., the first public intimations having been given on the 19th Octr. He granted to one ditch company 500 inches of water on Hill's Bar, and then to another compy. (in which he was a partner) all the water from the same brook beyond 200 inches. Notwithstanding his denial of recording ditch claims, I find page after page of them. I submit that the most proper means of satisfying town lessees whose claims have been jumped wod. be by portions of his acre,[84] as far as it will go. His ditch claim, wch I thought might be valuable, he has sold.

Another Indian was brought up to-day charged with murder of a "Boston man"[85] last summer. But it appeared pretty clear that the accuser, also an Indian, had got up the charge out of jealousy; and the case was dismissed. He was from a tribe above the Big Cañon and the only interpreter we could trust was Martin, a carrier Indian, Mr. Nicol's servant, who seems a first-rate fellow. I gave him a warning in French, wch Martin interpreted in about ten minutes of a very eloquent harangue in such gutturals as I never heard, and as seemed really very dangerous for his back teeth; the poor wretch, who had tried to run for it at first, seemed quieted and impressed, and thankful to get off.

Sunday night. The mail has been hourly expected all day, but has not arrived, and this mail, wch, by the bye, is said to be slow and irregular, closes to-night—did in fact close last night.

Believe me,

Yours very truly,

MATT. B. BEGBIE.

*To His Excellency the Governor.*

(84) *See* on this subject Mr. Hicks's claim to this land in his letter of May 18, 1859, *ante*, p. 19. He does not appear to have obtained it.

(85) Mesulug, in the Chinook jargon, an American.

## MISCELLANEOUS DOCUMENTS RELATING TO ORIGIN OF "NED McGOWAN WAR."

December 31st, 1858.

Thomas Piesley, being duly sworn, makes affidavit to the following:

I reside at the Hole in Wall on Fraser River above Fort Yale. I was at Fort Yale this morning. I know Mr. Hickson, constable of Hill's Bar. I saw him at the Court-house this morning; saw him hand a letter to Judge Whannell, which he read and appeared very much excited, and called Mr. Hickson up to the desk and said: "I want you to bring those men before me forthwith." Mr. Hickson said he could not without an order from Judge Perrier, as the men were already before Judge Perrier. Captain Whannell says: "I am your superior officer; I wish them to be brought before me." Captain Whannell appeared very much excited and said: "Do you not acknowledge me as your superior?" Hickson answered: "No, not as a superior." Captain Whannell did not ask Hickson if he did not recognize him as a superior officer, but as a superior.[86] Captain Whannell desired an officer to remove Hickson from the Court-house. Hickson replied: "I have another letter," which he handed to Captain Whannell, but he refused to read it. An officer then removed Hickson from the Court-house. After he (Hickson) left, Captain Whannell said: "I will commit him to Jail," and ordered the clerk to write a commitment, I then went to see Hickson, not expecting to find him locked up, but found that he was before a commitment was made out.

Sworn before me at Hill's Bar this 31st day of December, 1858.

(Sgd.) GEORGE PERRIER,
*Justice of the Peace.*

---

*To His Excellency James Douglass*
*Governor of British Columbia.*

DEAR SIR,—It is with sincere regret that I have to inform your Excellency that a misunderstanding has arisen between Capt. Whannel (the gentleman your Excellency was pleased to appoint as Justice of the Peace for the District of Fort Yale) and myself. On Wednesday the 29th of Decr., Capt. Whannel directed a general warrant to me for the arrest of two men charged with assault and battery at Fort Yale on the 25th day of Decr. I indorsed the warrant and placed it in the hands of Constable Henry Hickson, of Hill's Bar. On Thursday he arrested the men. I admitted them to bail to appear for examination

(86) This is probably "the insolence or contempt at Captn. Whannell's authority" to which Judge Begbie refers in his letter of February 3, 1859, *ante*, p. 35.

on Friday at 12 o'clock A.M. On Friday morning I directed a note to Captain Whannel asking the release of one, Isaac Dickson, the Prosecutor in the Case whom I heard was in Custody as a Witness. Officer Hickson proceeded to Fort Yale and placed the note in the hands of Cap. Whannel, who told him that he could not have Dickson, and Commanded Constable Hickson to bring the Prisoners before him at Fort Yale. Mr. Hickson answered that he could not bring them without an order from me. Cap. Whannel ordered Mr. Hickson to be removed from the Court and locked up, which I think was an *Insult* to me as a Magistrate and likewise a contempt of my Court, and as I considered it my Duty to preserve the Dignity of my Court I issued a warrant for the arrest of Capt. Whannel for Contempt, and also an order for the release of Constable Hickson. Capt. Whannel appeared before me. The Copy of the Evidence with my descion in the case I have forwarded to your Excellency, hoping that it will meet your Excellency's approval.[87]

I remain, Sir,

Your Most Obdt Servant

*Hill's Bar, Jany. 4th, 1859.* (Sgd.) GEO. PERRIER.

---

FORT YALE,

17th January, 1859.

SIR,—I have the honour to report to you it seems probable the difficulties at Fort Yale and Hill's Bar are for the present quelled.

In conjunction with Judge Begbie, I deemed it the best policy to leave the Royal Engineers at Fort Hope and for us to proceed alone to Fort Yale and try to arrange matters in the ordinary way. We purposed to visit Hill's Bar together without any display of force or authority, and it was our intention to have summoned before us Edward McGowan and a man named Kelly (who appears to act as a sort of Lieutenant to him) to answer the outrage upon Captain Whannell, J.P., and the breaking-open of the Jail.

On communicating, however, to Mr. George Perrier your Excellency's order for his suspension from the rôle of Justice of the Peace, considerable excitement arose in the town and Edward McGowan violently assaulted a Dr. Fifer in the street, and the information I received of the state of affairs altogether convinced me that it was hopeless to expect the Law would be respected. I therefore sent Lieut. Mayne, R.N., express to Fort Hope to send up the Detach-

(87) Perrier's statement corresponds very closely with Judge Begbie's as set out in his letter of February 3, 1859, *ante*, p. 35.

ment of Royal Engineers under Captain Grant, and to proceed on in the steamer "Enterprise" to Langley to bring up the Detachment of Royal Marines with the Field-piece party of Seamen. In accordance with my detailed orders to Captn. Grant, the Detachment arrived this morning after a trying night advance by batteaux and marching. Mr. Brew accompanied the Party and also 12 special constables headed by Messrs. Ogilvy and Macdonald, of whose zeal and ability (especially Mr. Ogilvy's) I cannot speak too highly. There was some little excitement on their arrival, but the feeling generally in this town was of the best description, and summonses have been duly served at Hill's Bar on McGowan and Kelly, who are to appear here the day after to-morrow.[88]

I am very much afraid, however, they will be able to shelter themselves behind Mr. Perrier's authority, he having sworn them in as Special constables on the occasion.

The troops are in excellent health and spirits. I shall have the honour of addressing your Excellency more particularly on a future occasion and report the arrangements I now propose to make in respect to the troops.

I have the honour to be,
Yr Most Obedient humble Servant,
(Sgd.) R. L. MOODY,
*Lt-Gov.*

*His Excellency the Governor.*

---

FORT YALE,[89]
31st December, 1858.

*His Excellency James Douglas, Esquire,*
*Governor, etc., British Columbia.*

SIR,—I have the honor to inform your Excellency that on the 24th inst. one William Foster, a notorious character and gambler, shot one Bernard Rice, a miner, in open daylight and has absconded. I have used every precaution and exerted every possible means in my power to capture the criminal, but to no purpose as yet. He has been hidden by his associates here as well as on Hill's Bar, among whom is that notorious villain, Edward McGowan.

I have closed up all the Gambling Saloons, appointed three men on the Police Forse, and taken on several special constables on pay, as I could not arrange otherwise, and a large force is absolutely necessary here at the present crisis.

(88) This short report from Colonel Moody adds but little to the full account of Judge Begbie.
(89) This is the historic letter that "set the heather on fire." It has never before been published.

Edward ("Ned") McGowan.

I have also to inform your Excellency that Edward McGowan came up this day to this town at the head of a lawless band of ruffians; broke open the Jail and liberated a Prisoner, in the person of Hickson, Constable at Hill's Bar, whom I committed this day for contempt of Court and insubordination.

Mr. Perrier, Justice of the peace at Hill's Bar, issued a Warrant for my arrest for the above act and dispatched a band of Sworn in special constables composed of the most notorious characters in that locality, and of which number was McGowan.

I pronounce Mr. Perrier totally unfit to serve in any capacity under Her Majesty's Government.

This town and district are in a state bordering on anarchy; my own and the lives of the citizens are in imminent peril. I beg your Excellency will afford us prompt aid. I have applied to Captain Grant for assistance already, as troops can easily be billeted in this town.

An effective blow must at once be struck on the operations of these outlaws, else I tremble for the welfare of this Colony.

In conclusion, I beg to report to your Excellency that at the present time, owing to Mr. Perrier's act this day, my authority is set at defiance and I am, as it were, a mere cipher.

With due deference to your Excellency, I must state that should an armed force not be convenient to be sent up here at once, I shall be under the necessity of tendering my resignation.

To Mr. G. Tennent, the bearer of this, I beg to refer your Excellency, as he is aware of all that occurred here from the date of the murder of Bernard Rice.

Before concluding I must state that the *whole* of these disturbances at Fort Yale have originated in the acts of Mr. Richard Hicks, whom I do not hesitate to denounce as an unprincipled and corrupt Public Officer and a disgrace to the Government under which he has served.

I have dismissed Hickson, the Constable at Hill's Bar, but the Justice there has put him on again; that man is also in league with McGowan's party.

I have the honor to be,
Sir,
Your Excellency's Most Obedient Servant,

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale.*

P.S.—I beg to report that Mr. William Kirby, late of the Police force here, refused to be sworn in or to act as a Special Constable when called upon by me on the present occasion.—P. B. W.

MELBOURNE, VICTORIA,
9 May, 1859.

SIR,—Referring to my recent verbal communication, I have now the honor of acquainting you that a person of the name of Whannell, who for some time held a situation in the Customs Department here, absconded from this Colony in the month of November, 1856, accompanied by the wife of a resident in Melbourne whose name I have not learned, leaving his own wife and family behind totally unprovided for.

Whannell was a private trooper in the Victoria Volunteer Yeomanry Corps under my command, and at the time of his enrolment represented himself as having been formerly in a light cavalry regiment in India, as to which I had some reason afterward for expressing my doubts in consequence of his ignorance of ordinary Cavalry exercise and field movements. Nothing whatever was heard of Whannell after his departure until very lately, when the following paragraph appeared in one of the Melbourne newspapers:—

"*British Columbia.*—His Excellency Governor Douglas has been pleased to appoint as Justice of the Peace at Fort Yale, *Captain* B. Whannell, of the Victoria Yeomanry Cavalry in Australia, late of the Nigaria Cavalry in the East Indies."

If Whannell represented himself to His Excellency Governor Douglas as having been a Captain or even a commissioned officer in the Victoria Yeomanry Cavalry he told a deliberate falsehood. The uniform of that Corps is a very expensive one, that of the ranks being mounted with gold lace precisely the same as a commissioned officer, and I have no doubt that this has assisted Whannell in some measure, if he appeared in that uniform, in imposing upon the Governor with the tale of being a commissioned officer.

I deem it my duty, as commanding officer of the Royal Victoria Yeomanry Corps, that some steps for the purpose of making known to Governor Douglas that Whannell is an absconder, and that if he has represented himself to His Excellency Governor Douglas as having held a Commission in the Victoria Yeomanry Corps (now called "Royal" by Her Majesty's permission) he (Whannell) has been guilty of falsehood and wilful imposition. Under these circumstances it has occurred to me that the most direct course would be to communicate the facts to His Excellency Governor Douglas thro the office of the Secretary of State for the Colonies, but of course I defer to your better judgment in such matters.

Herewith I beg leave to forward for your further information a letter addressed to me from the Customs Department of date 27 ult.,

mentioning the precise date of Whannell's departure and of his subsequent dismissal from the service by the Governor in Council.

Whannell's name was erased from the roll of members of the Royal Victoria Yeomanry Corps, he having been reported as an absconder and absent without leave.

I have the honor, etc.,

(Signed) JAS. H. ROSS,

*Lt. Col. Commanding R.V.Y.C.*

*C. Standish, Esq., Chief Commissioner of Police, Melbourne.*

## CORRESPONDENCE OF CHARTRES BREW FROM NOVEMBER, 1858, TO APRIL, 1859.

VICTORIA, VANCOUVER'S ISLAND,
11th November, 1858.

SIR,—I have the honor to inform your Excellency that, having been appointed Head of the Police Department in British Columbia by the Right Honourable Sir E. B. Lytton, Bart., Secretary of State for the British Colonies,[1] I embarked on the 4th of September last at Southampton in the steamship "Austria" for New York to proceed across the Isthmus of Panama to Victoria. I arrived here on the 8th inst., on which day I had the honor of presenting myself to your Excellency.[2]

I presume Your Excellency is informed that my salary was fixed at £500 a year; half pay to commence on the day I embarked and my full pay to commence on the day I reported myself to Your Excellency. I received in London £150 for my passage-money and expenses out to the Colony, and I received an advance of pay of one hundred and fifty pounds less income-tax.

The steamer in which I left Southampton was burned at sea on the 13th of September, 4 days' sail from New York. By this disaster I lost all my property, all my money, and all my papers—amongst the last a despatch from the Colonial Office addressed to your Excellency. I escaped from the burning ship with nothing but the clothes on my person, and these were torn to shreds in my struggles to save myself. I was rescued by a French ship and on the following day got on board a vessel bound for Halifax, N.S., at which port we landed on the 27th of September.

In the absence of the Governor the Executive Council in Halifax advanced me £100, for which sum I gave my acknowledgment. This seasonable loan enabled me to start immediately for my destination, and notwithstanding the misfortune with which I met, and that after my escape I was 14 days in a sailing-ship and was taken out of my way to Halifax, I arrived here only 10 days later than the party of the Royal Engineers which sailed from England on the 2nd of September, two days before I left.[3]

(1) In a letter, dated July 31, 1858, Lytton notified Douglas that he was sending out an experienced inspector of police to aid in the formation of a police force in the Colony of British Columbia. This is one of the many evidences of the great interest that Lytton took in the organization of the colony.

(2) On November 9, 1858, Douglas reported to Lytton the arrival of Mr. Brew.

(3) Captain Parsons and his party of twenty men of the Royal Engineers, who arrived at Victoria on October 29, 1858.

I owe the Government £150 advance of pay made to me in London and the £100 lent to me on account of the Home Government in Halifax. I find that my income in this expensive Colony is a very limited one, and I trust the Right Honble. the Secretary of State for the Colonies, taking into consideration what I have suffered and all I have lost while on the public service, will not insist on the repayment by me of the entire amount.

I am prepared whenever I receive Your Excellency's orders to the effect to proceed to British Columbia and take charge of the police already there established. As soon as I become acquainted with the localities and understand fully the nature of the police duties in the Colony I shall submit for the consideration of Your Excellency a plan for the organization of a more efficient Police Force. My wish would be to form a body of men well disciplined, well armed, and well drilled, whose general duties would of course be as peace officers, but, if required, prepared to take the field as soldiers. This is a scheme, though, which with the means at present at command cannot be immediately carried out. I assume that the £500 a year is my pay exclusive of allowances, and in this Colony it is little enough. When the country is opened up more and settled I shall have to keep horses and shall have to travel about the Colony in the discharge of my duty. I therefore beg leave to request to be informed what allowance will be made to me to enable me to keep horses, and what travelling allowances I am to receive, and what extra pay I shall be permitted to draw when detained by night on duty away from my quarters.

I am compelled also to take the liberty of asking that allowances will be made to me for house-rent and a servant, the expense of both of which in the Colony will be exorbitant.

I have the honor to be,
Sir,
Your Excellency's obedient Servant,
(Signed) C. Brew,
*Chief Director of Police, British Columbia.*

*To His Excellency Governor Douglas, Victoria, V.I.*

---

Victoria, V.I.,
11th Dec., 1858.

Sir,—I have the honor to state that, having been informed that the steamer "Beaver" will proceed on this day to British Columbia, I have to request Your Excellency's permission to proceed in her to

Langly and there await until I shall receive Your Excellency's orders to commence the duties of my office.

I beg leave to take the liberty of saying that if it be expected to have a Police Force in some working order next spring, when a great influx of people into British Columbia is anticipated, no time ought to be lost in commencing to erect barracks and in taking measures to provide clothes, arms, and accoutrements for the men.

If Your Excellency conceive that the strength of the Force I proposed to raise is too great at present, one-half, a third, or a fourth of the officers and men might be embodied in the first instance, and afterwards, if circumstances required, the number might be increased to any extent.[4]

I have the honor to be,
Sir,
Your Excellency's obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police, British Columbia.*

*To His Excellency Governor Douglas, Victoria, V.I.*

---

Victoria, V.I.,
29th Dec., 1858.

Sir,—I have the honor to inform Your Excellency that the bearer of this communication, Mr. John Carmichael Haynes,[5] a young gentleman from Ireland, arrived in Victoria on the 25th inst. and applied to me for an appointment in the Police Force which he believed was being organized in British Columbia.

I beg leave to submit to Your Excellency a strong testimonial which he produced to me signed by the Mayor and Magistrates of Cork, and I also beg leave to send attached two letters to me in his behalf

(4) The plan that Mr. Brew outlined called for one hundred and fifty men to form a body of police. The rate of pay was to be twelve shillings per day. The contemplated expense was so great that the Governor withheld his assent. *See* his remarks to Sir E. B. Lytton in a letter dated December 27, 1858, B.C. Papers, Part II., p. 48.

(5) He became a member of the Legislative Council in 1864; but is best known as the first Gold Commissioner in Kootenay during the early days of mining there, 1864–65.

from two gentlemen of my acquaintance who are Magistrates for the County and City of Cork.

I have the honor to be,
Sir,
Your Excellency's obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police, British Columbia.*

*To His Excellency Governor Douglas.*

---

VICTORIA, V.I.,
29th December, 1858.

SIR,—With reference to Your Excellency's communication regarding the expediency of obtaining from Ireland a body of the Irish Constabulary fully armed and equipped to form the nucleus of an armed and disciplined Police Force for service in the Colony of British Columbia, I have the honor to state that I feel it my duty to request Your Excellency to urge that that course be adopted by the Government.[6]

The Police Force in British Columbia must be an armed corps, otherwise they would be powerless in a country occupied by armed Indians and by an unruly mining population who may be said to be armed to the teeth.

Arms and accoutrements will have to be procured from England, and it certainly would much hasten the organization of the Force if a small body of men were at the same time sent out who were disciplined and accustomed to the use of arms and were prepared to enter at once on their duties upon their arrival in the Colony.

Until a large immigration take place it will be extremely difficult to find men in British Columbia fit for the police. The class of men who now offer themselves for enrolment are with few exceptions persons not to be trusted as peace officers. They are chiefly miners who would never become obedient subordinates or submit themselves to the strict discipline which must always be maintained in an armed corps. These men, besides, merely want employment for the winter months and are determined to return to their mining pursuits on the opening of the spring, so that just when they knew something of their duties and their services were most needed they would abandon the Force.

(6) Douglas asked at first for sixty men of the Irish Constabulary Force; but after the "Ned McGowan War" he requested that one hundred and fifty men of that force be sent. Lytton, however, did not do so.

If Your Excellency should determine on writing to request that a body of the Irish Constabulary be sent out to the Colony, I beg leave to suggest that it would be expedient to name the rates of pay the men would receive.

I have no doubt but if the men of the Irish Constabulary considered the rate of pay liberal a number of them would come out to the Colony at their own expense.

I have the honor to be,
Sir,
Your Excellency's obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police, British Columbia.*

*To His Excellency Governor Douglas.*

---

FORT LANGLY, B.C.,
12th January, 1859.

SIR,—I have the honor to inform Your Excellency that the "Plumper"[7] arrived at Fort Langly on yesterday evening; Colonel Moody Lt. Governor and the party of Royal Engineers have not yet returned, and the last time the steamer in which they went up Fraser's River was heard of here, the account stated that she was struggling to ascend the river about 6 miles at this side of Fort Hope.[8]

Acknowledge letter.

Captain Richards[9] found that it would not be practicable to send men up the river just now in boats, so he dispatched an officer[10] on this morning to Colonel Moody by an expert canoe with dispatches. Capt. Richards would not allow any one to accompany the officer lest the canoe might be overladen and delayed.

I intended going up to Fort Yale to-day, but I could not get a canoe and men. I hope, however, to-morrow to be able to procure men to take me up to Fort Hope in a second revenue boat which is here.[11]

Approve of his proceeding up the river without delay.

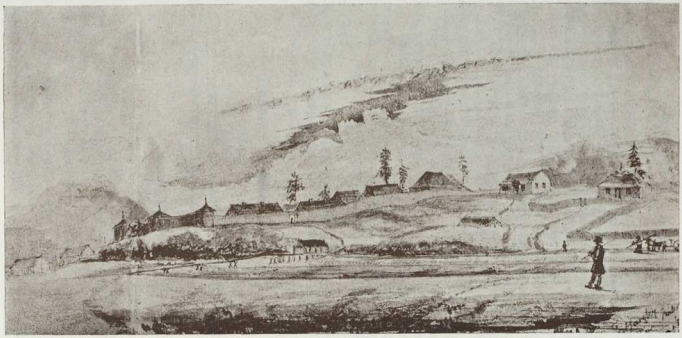
(7) H.M.S. "Plumper," an auxiliary steam-sloop, barque-rigged, then under the command of Captain Richards, engaged in surveying the coastal waters. She was on the coast from 1857 until 1861. Her speed being only six miles an hour, she could not navigate the Fraser much above Langley.

(8) Colonel Moody and his party had left for Yale owing to the disturbance known as the "Ned McGowan War." *See* a full account in Judge Begbie's letters and the notes thereto.

(9) Captain George Henry Richards, the commanding officer of H.M.S. "Plumper." Before being employed in this service, Captain Richards had spent some years surveying on the south-east coast of America and the coast of New Zealand. Under Sir Edward Belcher in 1852–54, he had taken part in the search for Sir John Franklin.

(10) Lieutenant R. C. Mayne, of the "Plumper." *See* the notes to Judge Begbie's letters.

(11) Brew did not actually leave Langley until 16th January. *See* the extract from his letter in note (49) to Judge Begbie's correspondence, *infr*, p. 37.



Fort Langley, north view. From original drawing made in 1859 by E. Mallandaine.

A number of the well-disposed inhabitants at the little village of Langly complained to Captain Richards and myself to-day of the riot and outrage which almost nightly occur in the villages, and requested that some measures would be adopted for their protection.[12] I made inquiries on the subject and have no doubt but the place is in a most disorderly state and requires a Magistrate and peace officers. I expected Mr. Bedford[13] would arrive by the "Otter" to act as Magistrate, and as he would want some person on whom he could place reliance to act as a principal peace officer, I determined to leave Mr. Ronaldson here to act in that capacity; but I have just learned by the "Otter"[14] that Mr. Bedford will not be up for some days yet, so that the arrangement will not be as effectual as I intended. However, I shall leave Mr. Ronaldson and swore him in as a Constable, and also a Mr. Moore, who came up by the "Otter," who is scarcely able to go up the river by the boats, and I shall instruct them to exercise their duties as discreetly as they can until Mr. Bedford arrives. I should remain here myself till then, only that Mr. Begbie wrote to me to say that Colonel Moody desired that I should follow him to Fort Yale.

Mr. Bedford is in training for the proper discharge of his duties as Magistrate and will be sent to Langley by the first safe conveyance.

I beg leave to urge on your Excellency the expediency of sending a Magistrate to act at Langly as soon as practicable.

I have the honor to be,
Sir,
Your Excellency's obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police and*
*Chief Gold Commissioner, British Columbia.*

*To His Excellency Governor Douglas, Victoria, V.I.*

---

British Columbia,
Fort Yale,
20th January, 1859.

Sir,—I have the honor to inform Your Excellency that I conceive that a force of at least twenty constables should be stationed in Fort Yale to preserve peace and order in the town and to act when required in the mining districts around. These men can be sent up or down

(12) *See* a description of conditions in Langley in a letter from Mr. W. H. Bevis, *ante*, p. 23.

(13) C. J. N. Bedford, the magistrate at Langley. He had arrived there prior to January 29, 1859. *See* his letter, *ante*, p. 32.

(14) The Hudson's Bay Company's steamer "Otter," which arrived in 1853, the second steam-vessel on the coast.

the river on any emergency and they will be frequently employed by the Assist. Gold Commissioner when collecting the miners' licence tax. I trust, therefore, that your Excellency will be pleased to authorise me to enrol the number of men I propose to raise. The rate of pay I would suggest would be 12s. 6d. per day.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*To His Excellency Colonel Moody, Lt. Governor.*

British Columbia,
Fort Yale,
30th January, 1859.

Sir,—I have the honor to transmit to you a copy of a communication addressed by me to Captain Travailoot,[15] Assist. Gold Commissioner at Lytton, a few days after my arrival at Fort Yale, and I also beg leave to submit for your information Captain Travaillot's reply which I received this evening.

Acknowledge the receipt of this letter with correspondence of Mr. Travaillot—information useful and interesting—and regret it did not come sooner to hand. Desire him to report carefully by every opportunity direct to this office. Mention as a suggestion piece of information that it is proposed soon to let out on lease all mining land in British Columbia at a monthly rent. Claims to be of the size now fixed.17 One or more may be held by lessee at their option, with power of arrangement. Rent to be paid in advance in cash, at the Comm. office, and leases renewed in the same manner and by ample endorsement of G. Comm. Proposed rent for each claim 21s. a month, and if more than one person be employed on such claim a further payment of 10s. a month be made for additional men over one so employed.18 When the regulation comes into operation no license tax will be levied. To enforce the present regulations until further instructions. To consider and give his opinion of the proposed measure.

Although Captain Travaillot states that mining operations are for the present stopped in his District, Gold is coming down the River in large quantities. The Gold brought down, too, is coarse grain and scale gold,[16] which may be collected at any temperature unless when the Ground is so frost-bound that it cannot be turned up with pick and shovel, but the Ground should be very hard indeed when miners in that remote District would be deterred by the cold they would have to endure or the amount of labour they would have to undergo from seeking for Gold. They would scarcely remain idle consuming their scanty stores of provisions if they could earn only a dollar a day. I know the cold weather affects the collecting of fine or dust gold by amalgamation on the lower River, as the Quicksilver will not take up the Gold below a certain temperature, but I do not as clearly understand how the cold can so extensively affect the mining operations on the Upper River, where the use of Quicksilver is unnecessary.

The accounts down River the last few days say that the Bars above the "Forks"[19] are rich beyond anything that was ever known, and

(15) Mr. O. T. Travaillot, commonly known as Captain Travaillot, a Frenchman who had been mining and trading near Lytton, was in June, 1858, appointed by Douglas as Revenue Officer for "the District of Fort Dallas or Forks of Thompson's River" (Lytton). Doubtless he is the person referred to in Ballantyne's "Handbook to the New Gold Fields" (Edinburgh, 1858), p. 24, as "Travill, a French trader" whom a party of gold-seekers met at Lytton early in 1858. And *see* Downie's "Hunting for Gold," p. 242.

(16) These constant reports of coarse gold higher up the river aided greatly in depleting the mining population near Yale. The miners' settled conviction that the gold-deposits must be of greater extent and coarser as the river was ascended led two years later to the discovery of Cariboo.

(17) Claims on the bars were then twenty-five feet square; claims on the benches were of twenty-five feet frontage. *See* Instructions to Assistant Gold Commissioners, July 1, 1858.

(18) This Proclamation was issued on February 8, 1859. It fixed the monthly payment at twenty-one shillings, but did not include the proposed surtax.

(19) Lytton at the "forks" of the Thompson River, named after Sir E. B. Lytton, the novelist, then Secretary of State for the Colonies.

thousands of miners are expected up from California early in the spring to settle on Claims which were "prospected" during the winter by the pioneer miners of their Companies.[20]

I saw on this morning a large quantity of Coarse Grain and Scale Gold taken off a Bar above the Forks; every ounce of it was worth an ounce and a drachm of the Amalgam Gold taken off the Bars on the lower Fraser River.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*Lieut. Governor Moody, Victoria, V.I.*

---

*(Enclosure.)*

LYTTON CITY,
25th January.

*C. Brew, Chief Govt. Commissioner,*
*Fort Yale.*

SIR,—I have received last night and copied the Communication of His Excellency Governor Douglas, and I herewith return it to you.

It will afford me a great relief, Sir, to correspond with you on all affairs connected with the Gold and Revenue Departments.

I have forwarded lately to His Excellency an account of receipts and expenditures made in Fort Dallas's District,[21] and will by the next opportunity send to you a copy of the same; I regret to have not time to do it immediately.

The extent of River in this District is of 180 miles, to wit: On Fraser's River from Canaka Bar[22] to Canoe 120 miles, 40 miles on Thompson's River, and 20 on Bridge's; the probably number of men (white) 600; but none at work now; ground is frozen and the temperature at a degree altogether to low to admit any mining operation, except, perhaps, one day per week by intervals of 2 or 3 hours. The exact number of claims registered is 95, scattered in the whole

(20) This expected inrush never arrived.
(21) The district of Lytton.
(22) Kanaka Bar, about eight or nine miles below Lytton.

district; I came here in October and from that moment one license only has been paid by each claim. Cold weather has settled here early in November.

As to try to collect now mining licenses is out of question; I have already tried to do it without any success; but as soon as the mining season will open the collection will be made without any difficulty.

I have the honor to be,
Sir,
Your most obedient,
(Sgd.) O. TRAVAILLOT,
*A Commissioner.*

---

BRITISH COLUMBIA,
FORT YALE,
12th February, 1859.

SIR,—I have the honor to request to be informed, in the event of Smuggled Goods[23] being Seized and forfeited, what portion of the money arising from the sale of such goods should be awarded to the officers by whom the seizure was made.

Mr. Smith,[24] Revenue Officer at Fort Hope, appropriates one-third to his officers upon, he states, the verbal order of His Excellency Governor Douglas.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*Lieut. Governor Moody, Victoria, V.I.*

---

BRITISH COLUMBIA,
FORT YALE,
12th February, 1859.

SIR,—I have the honor to submit a communication received by Mr. Hicks, Assist. Gold Commissioner, from Doctor Fifer, of Fort Yale, enclosing an account of medicine supplied at Fort Yale to indigent sick persons. Those sick persons were chiefly affected with frost-bite and

(23) Vancouver Island being a free trade colony and all imports into British Columbia being subject to duty, the temptation to smuggle was very great. The duty on spirituous liquors was one dollar per gallon. To avoid this, attempts were made to smuggle it in in casks marked "hams," or in boxes marked "soap," or secreted in barrels of flour.

(24) Robert T. Smith. *See* note (17) to Judge Begbie's letters, *ante*, p. 26.

scurvy[25] and several of them would probably have perished if they had not been attended to and supplied with medicines by Doctor Fifer.

Doctor Fifer[26] seeks no remuneration for his attendance, but he applies to the Government for payment for the medicines he supplied, which are costly to him and of great value at Fort Yale.

A man named Brown, a prisoner in Fort Yale Gaol, is suffering from an attack of scurvey and I had to request Doctor Fifer to attend to him.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*Lieut. Governor Moody, etc., Victoria, V.I.*

---

British Columbia,
Fort Yale,
19th February, 1859.

Sir,—I have the honor to state that in obedience to the orders contained in the accompanying letter of the Colonial Secretary,[27] dated the 18th ult., I called on Captain Whannell[28] to furnish me with the specific charges which he had to prefer against Mr. Hicks, Assist. Gold Commissioner. Captain Whannell transmitted to me the annexed letter of the 8th inst. and on the 12th inst. he handed me his charges against Mr. Hicks, for his denial or admission and explanation. Mr. Hicks generally denied the charges and he applied to have a public investigation into them;[29] to this I refused to accede, as I knew that by complying with the request I would only afford an opportunity for a display of disapprobation on the part of Mr. Hicks's supporters for the present towards Captain Whannell and any friends he may have in attendance.

Mr. Hicks had not decided on when he would be ready to meet the charges up to the date on which I received a communication from

(25) This is eloquent upon the conditions under which the miners were living during that winter.

(26) *See* note (47) to Judge Begbie's correspondence, *ante*, p. 36.

(27) William A. G. Young, provisionally appointed by Douglas in November, 1858, and approved by Lytton in March, 1859. At the time of his appointment Mr. Young was secretary to the British Boundary Commission. Previous thereto he had been in the Royal Navy and had served as secretary to several flag officers upon different foreign stations.

(28) P. B. Whannell, the resident magistrate at Yale.

(29) "Captain" Whannell's charges and accompanying letters and Mr. Hicks's request for a public investigation are appended to this letter.

the Colonial Secretary informing me that His Excellency the Governor had determined on discontinuing Mr. Hicks[30] as Assist. Gold Commissioner.

As Mr. Hicks has therefore ceased to be a public officer, I consider it proper to ask for further instructions before I enter upon the Inquiry. I take the liberty of suggesting that it may be expedient to suffer the matter to drop; for now no good result can arise from pressing the charges to an investigation so far as they are an impeachment against Mr. Hicks, and no matter how privately the Inquiry may be conducted it would lead to a mischievous agitation here, which at present it would be prudent to avoid.

The remark at A in Captain Whannell's letter of the 8th inst.[31] alludes to a matter which in conversation I chanced to mention in his hearing, that Mr. Hicks and I were coming up lately to Fort Yale from Langly in a canoe and that persons passing down in boats hooted Mr. Hicks. I confess I cannot coincide with the conclusions which Captain Whannell implies should be drawn from this fact, and I cannot reconcile myself to the propriety of his introducing the subject into an official communication on the present occasion.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*To Lieut. Governor Moody, Victoria, V.I.*

---

*(Enclosure.)*

British Columbia,
Fort Yale,
8th February, 1859.

*Captain C. Brew,*
*Commissioner of Police and Chief Gold Commissioner,*
*British Columbia.*

Sir,—I have the honor to acknowledge receipt of your letter, dated the 7th inst., enclosing a communication to your address from His Excellency Governor Douglas for my information, and requesting me to state in writing, fully and clearly, the specific charges I have

(30) In June, 1858, when Douglas appointed Hicks, he wrote to the Secretary of State for the Colonies, describing him as "a respectable Englishman engaged in mining pursuits." It took less than six months for the Governor to ascertain his real character.

(31) *See* this letter, *post*, p. 72.

to make against Mr. Richard Hicks, lately Assistant Gold Commissioner, in order that you might take immediate steps to investigate the same.

Apart from any charges which I may have it in my power to prove against Mr. Hicks, I have to state that the allegations alluded to in His Excellency's letters, as having been set forth by me, to the effect that that official was unfit for further employment under Government, are only too fully proved by the feelings, as well as sentiments, of the citizens and miners of Fort Yale District, with a *very few* solitary exceptions.

Mr. Hicks has been, to my knowledge, since my arrival here, looked upon in a most contemptuous light, and had been almost universally despised in the district, long before *I* came up here; of this latter assertion I believe *you* have had pretty positive proof on coming up the river lately in the same boat with Mr. Hicks.

A.

I had not been three days in Fort Yale[32] before it became evident to me that there *were* grounds for many things which came to my knowledge, and that the only Government official of any rank in the town was looked upon with odium and thoroughly despised.

Under those circumstances, I did come to the conclusion, and do still assert, that Mr. Hicks was not the right man in the right place, and that he is quite unfit for further employment under Government, giving for my reason for so saying that the employment of a man, by *this* Government or any other Government, who stands in the public estimation of the district, over which he presided in the responsible and dignified capacity of Assistant Crown Commissioner, as Mr. Hicks does, would be far from being creditable to them.

I do not presume to make these remarks with the view of censuring or reflecting upon the act of the Government for employing Mr. Hicks; it would be totally out of place and indiscreet on my part to do so; but I merely advance them for the purpose of vindicating my allegations under reference.

I shall proceed forthwith to frame my charges, and will submit them, with the least possible delay, for investigation as directed.

I have the honor to be,
Sir,
Your Obedient Servant,

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

(32) Captain Whannell arrived in Yale on November 17, 1858. Douglas, writing to Lytton on December 24, 1858, stated that it was his "intention immediately to remove him" (i.e., Mr. Hicks).

*(Enclosure.)*

BRITISH COLUMBIA,
FORT YALE,
12th Feby., 1859.

*Captain C. Brew,*
*Commissioner of Police and Chief Gold Commissioner,*
*British Columbia.*

SIR,—In accordance with the instructions contained in the communication from His Excellency Governor Douglas to your address, and transmitted by you for my perusal and explanations, I have the honor to enclose four distinct, specific charges against Mr. Richard Hicks, lately Assistant Gold Commissioner of this district, which I beg you will forward to Victoria after the investigation, together with my letter to your address of the 8th instant, for His Excellency's perusal and satisfaction.

I have the honor to be,
Sir,
Your Most Obedient Servant,
(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

---

FIRST CHARGE AGAINST MR. RICHARD HICKS, LATELY ASSISTANT GOLD COMMISSIONER AT FORT YALE, BRITISH COLUMBIA.

*Bribery and Corruption.*

In the following instance, viz.:—

"For having at Fort Yale, British Columbia, on some day last spring or summer, when applied to by one Harry Eyres for a license to construct and carry on the business of a Ferry at the village of Spurzum, drawn up the said license, and, showing it to the said Harry Eyres when the said Richard Hicks had taken him (Eyres) out to a lonely spot away from the office, told him (Eyers) that he might then and there have it on the same terms as the parties belonging to the sawmill across the river had theirs. On being asked by the said Harry Eyers what those terms were, he, the said Richard Hicks, replied that the terms were, 'That he (Hicks) should have a half-share in the business.' "[33]

(23) In his record-book under date December 4, 1858, Hicks records that he had cancelled and annulled the privilege granted to H. P. Ayres to erect a ferry at Spuzzum across the Fraser "in consequence of the stipulations not having been complied with." The privilege had been granted in August or September, 1858.

Such conduct being contrary to that of a Government Officer and a gentleman; unworthy of a party holding the respectably and responsible appointment of Assistant Gold Commissioner; tending to effect the dignity of the Crown in the eyes both of the citizens and aliens in the Colony; and rendering the party so transgressing unfit to serve the Government in any capacity.

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

*British Columbia, Fort Yale, 9th February, 1859.*

SECOND CHARGE AGAINST MR. RICHARD HICKS, LATELY ASSISTANT GOLD COMMISSIONER AT FORT YALE, BRITISH COLUMBIA.

*Bribery and Corruption.*

In the following instances, viz.:—

1st. "For having, in his capacity as Assistant Crown Commissioner of the District of Fort Yale, granted and leased unto Messrs. Land, Fleming & Co. (he, the said Richard Hicks, to have an interest in their business) a license for constructing and working a sawmill on the opposite bank of the river to the town of Fort Yale, with right to fell timber for that purpose to an unwarranted extent."

2nd. "For having, at the same time and place, to the same parties, on the same conditions, and in the same capacity, leased and granted the sole mill right on the Fort Yale side of Fraser River; thereby securing to the firm, in which he (Hicks) had an interest, a complete monopoly of that particular business, to the detriment of other parties seeking and applying for just and legitimate privileges of a like nature; and tending to retard the prosperity and welfare of the town and district."

3rd. "For having, at Fort Yale, British Columbia, in his capacity of Assistant Crown Commissioner, granted unto the Messrs. Kingman & Co. (he, the said Richard Hicks, to have an interest in their business) a wholesale liquor license, at the same time refusing a similar privilege to *all other* applicants, although repeatedly solicited by one P. J. Cassin for a wholesale liquor license, who had even tendered the cash in payment for the same; thereby giving the said firm of Kingman & Co., in which he, the said Richard Hicks, had an interest, a complete monopoly in that particular branch of business, to the detriment of others equally well entitled to the same license."[34]

(34) On this charge *see* Judge Begbie's letter, February 3, 1859, *ante*, p. 38. This charge Hicks did not wish investigated as he had explained the matter to Colonel Moody. *See* his letter of February 15, 1859.

Such conduct being unbecoming a Government Officer and a gentleman; rendering the party so transgressing unworthy of the power vested in him for granting such privileges, and, consequently, unfit for Government employment. Such acts tending to lower the Government, the party himself, and everybody else connected with the Government, in the minds of the public, both citizens and aliens.

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

*British Columbia, Fort Yale, 9th February, 1859.*

THIRD CHARGE AGAINST MR. RICHARD HICKS, LATELY ASSISTANT GOLD COMMISSIONER AT FORT YALE, BRITISH COLUMBIA.

*Disgraceful Intoxication.*

In the following instances, viz.:—

1st. "For having, at Fort Yale, British Columbia, between the 17th and 25th days of November, 1858, appeared in the public street (Front Street) of the town of Fort Yale in a disgraceful state of intoxication between the hours of 8 and 12 p.m. So much so that the Chief of Police at that time, Mr. B. Donnellan, found it necessary to lead him (Richard Hicks) to his house, the Government Building, and there leave him in safety."

2nd. "For having, at the same place and date, after having been taken home in the state described in the 1st instance of this Charge, left the house and gone down into the said public street of said town again; and did there enter the public gambling-saloon kept by one Alexander Roberts and Charles Bennet (his partner) in which were assembled at the time a large number of gamblers and others of notorious character; and did there suffer himself to be handled by one James Farrell, a gambler or another, who seized him (Hicks) around the waist and, lifting him (Hicks) off the ground, swung him round several times, to the amusement and delight of the assembled audience in the said saloon."

Such conduct being unbecoming a Government Officer and a gentleman; lowering and debasing the dignity of a Magistrate (in which capacity Mr. Hicks at that time officiated); unworthy of a person holding the respectable and responsible appointment of Asst. Gold Commissioner; tending to effect the dignity of the law, as well as that of the Crown, in the eyes of both the citizens and aliens in the Colony; setting an example diametrically opposite to that of a Magistrate, to the gamblers and other rough and unruly characters with whom the

town at that time was infested, and the said saloon on that particular night was filled; and rendering the party guilty thereof unfit to serve *this* or any other Government in any capacity whatever.

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

*British Columbia, Fort Yale, 9th Feby, 1859.*

FOURTH CHARGE AGAINST MR. RICHARD HICKS, LATELY ASSISTANT GOLD COMMISSIONER AT FORT YALE, BRITISH COLUMBIA.

*Culpable Dereliction of Duty.*

In the following instance, viz.:—

"For having, at Fort Yale, British Columbia, on or about the 9th day of November, 1858, when report to, by Constable Joseph W. Carey, to the effect that Mr. B. Donnellan, the Chief of the Police (at that time),[35] had been guilty of endeavouring to abstract the sum of Five hundred Dollars from a prisoner named George Harrison Jones then in custody under charge of murder, connived at and taken no notice of the said serious charge, more especially against the head of the Police force of the said town; nor caused any investigation to be made into the matter; nor reported the said B. Donnellan, if found guilty, to His Excellency the Governor for dismissal from the Service."

Such conduct being a manifest and highly culpable dereliction of his duty, both as a Government officer and as a Magistrate; for which latter position the said Richard Hicks had so rendered himself totally unworthy and unfit.

(Sgd.) P. B. WHANNELL,
*Justice of the Peace, District of Fort Yale, B.C.*

*British Columbia, Fort Yale, 9th Feby, 1859.*

---

FORT YALE, B.C.,
February 15th, 1859.

*To C. Brew, Esq.,*
*Chief Gold Commissioner,*
*Chief Inspector of Police, etc.*

SIR,—I have the honor to acknowledge the receipt of your communication of yesterday's date, inclosing a letter from the Colonial Secretary with directions from His Excellency Governor Douglas to investigate certain charges made against me by one Capt. Whannell

(35) Mr. Donnellan had served on the police force in San Francisco before coming to British Columbia. The prisoner was, probably, the George Jones mentioned in note (37) to Judge Begbie's correspondence, though the dates do not agree.

reflecting on my official conduct, etc., together with four written papers from the said Whannell purporting to be such charges.

The unmanly course persued to deprive me of my daily bread and drive me from my appointment at my time of life only shows the venom and malice lounging in his breast and the ruin he would cause, had he been invested with unlimited power. Not satisfied with the overthrow of my friend, W. Perrier, he now heaps his vengeance on me; and to show how far some men will carry their interests, it was believed by all in Fort Yale that I had perished in the cold and frost, and at the very same time this news arrived these charges were forwarded to His Excellency Governor Douglas to make me blacker than black in the estemation of His Excellency, who, thank God, would not crush even a fallen foe.

You were kind enough to allow me time to consider what course to pursue and to advise with my friends how to act. I will do so, and will as early as possible let you know the result.

The indignation that would be felt by the inhabitants at the course pursued in this matter would exceed no bounds were I to demand a public examination against Capt. Whannell, and altho I shall have cause to examine many witnesses, perhaps a private hearing will be advisable; at the same time it will be impossible to keep it a secret.

I have the honor to be,
Sir,
Your Most obt. Servt.

(Sgd.) RICHARD HICKS,
*Assistant Crown Commissioner.*

---

FORT YALE,
February, 1859.

*To C. Brew, Esq.,*
*Chief Gold Commissioner,*
*Chief Commissioner of Police, etc.*

SIR,—I have the honor to inform you that after carefully perusing the charges made against me by Capt. Whannell, and also by the advice of my friends, I am willing to have an inquiry instituted—and that that inquiry should be a public one—on the following charges: "Disgraceful Intoxication"; "Culpable Dereliction of Duty," and numbered 3rd and 4th; and also the 1st charge of "Bribery and Corruption."

With regard to the 2nd charge, I have to state that I have very fully stated to Lieut. Col. Moody, every particular connected with the matter; that I consider I am not justified in entering into the affair again except to a higher authority.

Whenever it is convenient to you I shall be ready to meet my accuser and rebut those charges, which, I fear not, I shall be able to do to your entire satisfaction.

I have the honour to be,
Sir,
Your Most obt. Servt.
(Sgd.) RICHARD HICKS.

---

FORT YALE,
17th February, 1859.

I have decided that the Inquiry shall *not* be a public one. I shall take steps to secure the attendance of any witnesses Mr. Hicks may require for his defense if he will furnish me with a list of their names, as I required in my communication to him of the 14th inst.

It remains with me to determine whether or not I shall receive evidence in support of the 2nd charge. Mr. Hicks may, if he choose, decline to enter into any defence against it.

C. BREW,
*As Chief Gold Commissioner.*

*Richard Hicks, Esq., Assistant Crown Commissioner.*

---

BRITISH COLUMBIA,
FORT YALE,
20th February, 1859.

SIR,—I have the honor to report that matters here are perfectly tranquil. There is to be a Ball here on the 28th inst. in celebration of Washington's Birthday, and McGowan[36] and others have promised me that good order shall prevail upon the occasion.

You are of course aware that Mr. Hicks, Assistant Crown Commissioner, is superseded. I spent all day yesterday and a part of to-day in getting his accounts exmined, in which he afforded me every facility; they appeared to be correct. I got from him all the Gold, Cash, Books,

(36) The notorious Ned McGowan so frequently mentioned. Doubtless, Brew breathed more freely when he was able to write on March 5, 1859, that McGowan had left the country.

papers, and public property which I could ascertain were in his possession. I gave him an order on the Colonial Treasurer[37] for the amount of pay due to him, and also included in the order a sum which he advanced on account of the public service out of his private funds. The order before being cashed is to be submitted for approval to His Excellency the Governor.

I trust that His Excellency will be pleased shortly to appoint a person to replace Mr. Hicks. I shall of course have the duties of the District carried on for a little while until an Assistant Gold Commissioner can be appointed. I shall cause the duties and taxes to be collected in the meantime under my Superintendence, but I do not feel competent to become the collector of duties and taxes myself—I could not weigh gold.

On the day I was leaving Victoria last a Mr. William George Cox,[38] who was recommended by Mr. J. D. Pemberton[39] to His Excellency the Governor, was to accompany me to British Columbia on the same terms as Messrs. Elwyn,[40] Haynes,[41] Ronaldson, and Moore, but I started so suddenly that Mr. Cox was left behind. He arrived here upon the 16th Inst. with a letter to me from Mr. Pemberton, and I placed his name on the roll of Constables at the same rate of pay as His Excellency authorised to be given to the other gentlemen. Mr. Cox holds very high testimonials; he is a good clerk and accountant and was of the greatest assistance to me in my examination of Mr. Hicks's accounts and books.

I am informed that excisable wares are brought into the Colony by the Whatcom Trail,[42] are placed in boats on the Sumash or Chilliwah Rivers, and are taken up the country by the Harrison River route without a chance of getting into contact with a Revenue Officer. I beg leave to recommend that a Revenue Officer be placed on the Harrison's River with a few constables to assist him in overhauling the boats passing up that way. From what I have seen of Mr. Cox, I think he

(37) Captain W. Driscoll Gossett, R.E., but not of Colonel Moody's detachment.

(38) Later and better known as "Judge" Cox because of his appointment as a stipendiary magistrate. He was for some time stationed in Cariboo; and while there in 1864 organized a party of fifty men to assist in the arrest of the Indians who had murdered the Waddington party near Bute Inlet. He was a member of the Legislative Council in 1867. He retired and spent the remainder of his life in California, where he died in October, 1878.

(39) John Despard Pemberton, Surveyor-General of Vancouver Island. He was the author of a book, "Facts and Figures relating to Vancouver Island and British Columbia," London, 1860.

(40) Thomas Elwyn, who later became police officer at Lytton; later he was magistrate at Lillooet and in 1862 Gold Commissioner in Cariboo. He was also in charge of the gold escorts of 1861 and 1863. Subsequently he occupied many government positions and was for years the Deputy Provincial Secretary.

(41) John Carmichael Haynes, already mentioned. *See* note (5) in this correspondence, *ante*, p. 62.

(42) A trail which was built from Whatcom (Bellingham) in 1858 to connect with Hope, but which hereby appears to have had a branch reaching the Fraser at a lower point. It was intended to secure to Whatcom the trade of the gold-mines, but it proved a complete failure.

would make a very excellent Revenue Officer; he has got the highest character for integrity and would, I have no doubt, perform the duties with diligence and fidelity.

I believe that excisable wares are smuggled into Fort Laugh[43] and Fort Hope; they are then shipped up the river without permits, with fictitious bills of sale, as if they had been purchased within the Colony at Hope or Langly from parties who had passed them through the Customs and paid duty on them. In order to prevent this discription of fraud, I mean to write to the Revenue Officers at Fort Hope and Fort Langly to post up notices announcing that excisable wares conveyed through the country in quantities over a certain weight or bulk without a permit were liable to be seized and confiscated.

I understand that the examination of wares and the granting of permits are very loosely done at Fort Langly. I believe it would be an immense advantage to the public service if, without removing Mr. Bevis,[44] an active officer of higher position of tone were placed over him.

There are no mining operations going on; everything is covered with snow and frozen hard. There are, though, some symptoms of a thaw this day.

There are many complaints here of the irregularity and uncertainty of the Mails. Merchants rather send their letters by Bellors[45] express at the cost of half a dollar than put it in the post at a cost of 5 cents and remain in uncertainty when it would reach its destination. All persons would gladly pay 10 cents colonial postage if the mails were despatched and delivered regularly, and if 10 cents were charged on all letters taken by the Express Company a revenue might be created which would enable the mails to be sent by special boats. At present they may remain at any stage on the route for days awaiting an opportunity of sending them on, and then they are entrusted to the first trustworthy person passing the way willing to be troubled with them. I think if a contract be not entered into that the mails might be carried by Indians more cheaply and expeditiously and as safely as by white men. If they are carried by contract the contractor ought to be bound to time, otherwise he will weigh down his boat with freight and move along at the rate of a dredging-machine. The chief of the Indians at Fort Yale, for a trial, offered to convey the mails to Fort

(43) Langley. Many devices for smuggling liquor were employed. It is said that barrels of liquor were fastened to drifting timber to be carried up with the tide.

(44) William Henry Bevis, Revenue Officer at Langley and later also Postmaster.

(45) William T. Ballou's Pioneer Fraser River Express. *See* note (13) to Judge Begbie's correspondence, *ante*, p. 25, and also note (32) to Hicks's correspondence, *ante*, p. 12.

Hope once a week for four weeks for twenty dollars for the four trips. I should like to have authority to employ him.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

P.S.—I beg leave to enclose a list of applicants for land which I obtained from Mr. Hicks, late Assist. Crown Commissioner.

*To Lieut. Governor Moody, Victoria, V.I.*

---

BRITISH COLUMBIA,
FORT YALE,
20th February, 1859.

SIR,—I have the honor to inform you that late on the evening of the 18th inst. I received your letter of the 8th inst., announcing to me that His Excellency the Governor had decided that Mr. Hicks, Assistant Gold Commissioner, should be discontinued as a public officer.

On yesterday morning I handed Mr. Hicks his supersedeas which accompanied your letter to me, and I took over from him all the Gold, Cash, public documents, and public property which I could ascertain were in his possession. And I must say that Mr. Hicks was most prompt to afford me every facility in settling with him. I went over Mr. Hicks's accounts as carefully as time would permit and it appeared to me they were correct. I found vouchers for every charge, with a few trifling exceptions, in which the defect was satisfactorily accounted for.

Your letter states that Mr. Hicks's appointment dated from the 1st of September, 1858, but I find in this office the accompanying communication to Mr. Hicks, signed by His Excellency the Governor, by which it would appear that Mr. Hicks was appointed Assist. Gold Commissioner on the 14th of August, 1858.[46] This, Mr. Hicks also asserts, was the date of his appointment, and I have therefore calculated his pay as commencing from that date, subject to the approval of His Excellency the Governor.

(46) Hicks's appointment as Revenue Officer was in June, 1858. It carried a salary of only £50 a year. It seems plain that when the appointment as Assistant Commissioner of Crown Lands was made the salary was increased.

I have given Mr. Hicks an order for £205 9s. 7d. on the Colonial Treasury, being the amount of his pay for six months and five days, and I have included in the order a sum of $392, which, on balancing and closing his accounts up to the 31st of December last, it appeared he advanced for the public service out of his private funds, and which he has not since been repaid.

I beg leave to send herewith Mr. Hicks's accounts made out by himself and examined by me from the date of his appointment up to the 31st of December. I shall have the accounts for the month of January Ult. prepaid and forwarded as soon as possible.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*William A. G. Young, Esq., As. Colonial Secretary.*

---

British Columbia,
Fort Yale,
22nd February, 1859.

Sir,—I have the honor to request to be informed if I am at liberty to give public notice that gold will be received in trust for safe-keeping at the office of the Gold Commissioner at Fort Yale.

It would be necessary to notify on what conditions gold will be received, and whether or not the Government will be security for deposits and be responsible to parties for Treasure placed in the charge of the Gold Commissioner if under any circumstances it should be lost.

There are only two ways in which Treasure committed to the care of the Gold Commissioner could, I think, possibly be lost. By burglary and robbery, against which the precaution should be taken of keeping a trustworthy constable constantly on guard on the public chest.

Or else by embezzlement on the part of the Gold Commissioner, which can scarcely be anticipated, as of course a person appointed to that office would be an individual of high character and integrity and perhaps would be required to give to the Government security for his honesty.

I think ½ per cent. per month would be a fair charge to make for keeping Treasure. Wells, Fargo & Co., I am informed, charge only 1 per cent. per month and hold themselves accountable for lodgements made with them.[47]

The safe here, of which I have the keys, appears to be a very secure one.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

P.S.—It has suggested itself to me that there might be two rates of charges—one a higher rate for insured Deposits and another lower for deposits made at risk.

*To Lieut. Governor Moody, etc., Victoria, V.I.*

---

FORT YALE, B.C.,
2nd March, 1859.

SIR,—I have the honor to state that some short time since it came to my knowledge that a person named Davis, who fills the office of Chief Constable at Lytton, kept a public-house. I knew that such was contrary to law, and I mentioned so to Captain Travalliot in a letter which I wrote to him on the 16th Inst. respecting a party who wished to have a Water privilege for Mining purposes recorded.

The following extract from my letter is all of it that related to Davis:—

"I heard on yesterday that the principal peace officer at Lytton while in the public service kept a public-house. It may be proper to acquaint you that keeping a spirit shop or store by law incapacitates a man from being a peace officer."[48]

I do not know how Davis became informed of the contents of my communication to Captain Travalliot, but on Sunday last I received the annexed letter, which, it must be said, has a very unsteady tone

(47) This suggestion that the government should accept gold dust on deposit does not seem to have been acted upon. Wells, Fargo & Co. operated an express business between Victoria and San Francisco, purchased gold-dust, and received it for safe-keeping.

(48) When Travalliot was appointed Douglas intimated to Lytton that he would authorize him to select eight men, presumably as police officers, to collect revenue and maintain order. Probably Davis was one of these eight persons; and of course Travalliot had to make his appointments from the material at hand.

and appearance. The writer may be a stout Constable, but I think the letter is sufficient evidence that he is a person scarcely eligible to hold the position of Chief Constable. I beg leave, therefore, to apply for permission to despatch Mr. Thomas Elwyn or Mr. John C. Haynes to Lytton to act as Chief Constable for that district. These gentlemen while with me have afforded me great satisfaction, and I am persuaded that either of them will exert himself to the best of his ability to perform the duties of any office he may hold with zeal and fidelity.

Approve of Mr. Elwyn's appointment as Chief Constable for Lytton.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*Lieut. Governor Moody, Victoria, V.I.*

---

Fort Yale, B.C.,
26th February, 1859.

Sir,—I have the honor to inform you that the 22nd Inst. was celebrated at Fort Yale by the citizens of the United States as the Birthday of Washington. At noon one hundred discharges were fired in imitation of one hundred Guns by exploding gunpowder between two anvils. The noise of each explosion was as loud as the report of the largest-sized Gun. I am informed that they subsequently fired ten Guns as a salute to me, as they imagined that a young lad who was brought up before Captain Whannell for firing a squib out of a pistol in the street, and was discharged by him with a rebuke, was released through my interference.

J. D.

In the evening a ball took place at the house of a man named Campbell. I was invited but did not go. Mr. McGowan, Mr. Perrier,[49] and others promised me that they would exert themselves to have peace and order maintained during the night, and I particularly requested that no pistols should be taken into the room. The utmost harmony prevailed till the company went to supper, when some jealousy arose about precedence for seats. A Mr. Bagly, of Hill's Bar, abused McGowan and called him an old grey-headed scamp. McGowan imme-

(49) George Perrier, the dismissed magistrate, but still mining on Hill's Bar. His connection with the "Ned McGowan War" will be found in Judge Begbie's correspondence, *ante*, pp. 35 and 36.

diately broke a plate on Bagly's head and Bagly in return broke McGowan's head with another plate. At once there was a general row and friends on both sides went off to get their pistols, but when they returned to the scene the affair had subsided into a demand for "satisfaction" as soon as arrangements could be made. On the following morning Bagly sent McGowan a message and a friend of McGowan's calling himself Major Dolan sent a message to a friend of Bagly's named Burus. McGowan replied to Bagly that he would not fight in British territory, but that he was willing to meet him on the United States territory and fight him with rifles at 40 paces, to be placed back to back, walk to the mark, and wheel and fire at the word. This proposition Bagly accepted and McGowan has actually sold out his claim at Hill's Bar and distributed as presents among his friends all his chattels, and he proceeds on this day to the Washington Territory to be at the place appointed for the meeting on, I think, the 2nd prox. Every effort was made by peace-making friends to arrange the dispute amicably, but without success. It may be settled yet, though, as the parties are not gone, but McGowan is off Hill's Bar. If they were going to fight in this country I should have had them arrested and bound to the peace, but as they are leaving the Colony and are not English subjects the propriety of interfering with them appears to me to be doubtful. I think Bagly would not have challenged McGowan if he thought he would fight, and I am satisfied that McGowan would be glad to get out of the duel if he could, but he knows he must fight or for ever lose his influence over the reckless band of which he is the chief.

The duel between Dolan and Burus is off for the present. They had agreed to fight with revolvers at 30 paces, advancing a pace each shot, but Burus afterwards insisted that if there was no hit after the six shots a side, they should finish the business with Bowie knives. To this Dolan would not consent as his right arm is weak from a wound, and so the matter stands. There are five or six friends from Hill's Bar to accompany each party.

With the exception of this "difficulty," everything has been quiet during the last week.

We had another heavy fall of snow on yesterday and frost last night. Mining operations therefore are not recommenced. The chief number of miners on the lower river are, I am informed, determined to abandon their claims and move up the country this spring. They are led by reports to expect to find gold there in sackfuls.[50]

(50) This confidence in the richness of the deposits farther up the river was based upon the false idea that the gold had come from one source, that the lighter particles had been carried farthest, and that in consequence the farther up the river the richer the diggings.

I took possession of the office in the new Government House here on the 24th Inst. The house, as far as the builder's contract is concerned, is nearly completed.

Joseph W. Carey,[51] one of the constables at Fort Yale, resigned on the 22nd Inst. I am just as well pleased that he did; he was one of these at a hundred dollars a month.

There are great numbers of boats coming up the river with freight. Provisions, with the exception of flour, are excessively dear here. Mr. Land[52] is getting down the timber on the flat very slowly.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police, British Columbia,*
*Ass. Chief Gold Commissioner.*

P.S.—Mr. Elwyn has just come in to say that the row between McGowan and Bagly is all amicably settled. I have not heard whether or not McGowan will get back his claim, but I know he sold it.[53] Office, 3.40 p.m.

*Lieut. Governor Moody, Victoria, V.I.*

---

FORT YALE, B.C.,
5th March, 1859.

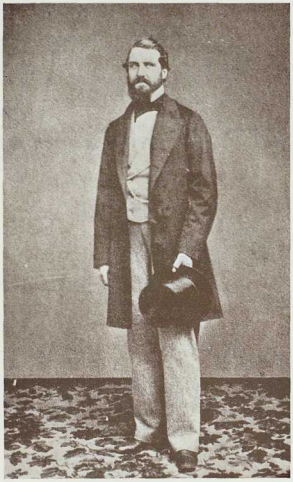
SIR,—I have the honor to state that, as I conceived you would be anxious to learn how matters progressed at Fort Yale after your departure, I transmitted a report by every mail that was despatched since you left.

Since the row which took place here on the night of the 22nd Ult. everything has been perfectly tranquil. The apple of discord was adroitly thrown amongst the Hill's Bar confederates. McGowan is gone to California and Dolan and Bandy, two of his most favoured

(51) *See* note (6) to Hicks's correspondence, *ante*, p. 4. He had complained of the conduct of the chief of police. *See* the fourth charge against Mr. Hicks.

(52) One of the partners in Land, Fleming & Co., who operated a sawmill on the flat opposite Fort Yale. Mr. Hicks had an interest in that business. *See* charge two against him and his admission in that connection.

(53) The following extract from a letter from Brew to Moody, February 4, 1859, shows his opinion of this renegade: "The miners are all idle on account of the frost, and McGowan and several of the Hill's Bar men are stopping at Port Yale at present. McGowan keeps himself shut up and is seldom seen out. I suspect he spends his time drinking and gambling. I do not place much reliance on McGowan. I think he is a bad fellow who can only be restrained by fear."



Chartres Brew, Chief Inspector of Police and Assistant Chief Gold Commissioner.

satellites, have taken their departure with him; it is said that none of the party will return.[54]

There is a deep snow still lying here; consequently regular mining operations have not recommenced. Two or three times symptoms of a thaw made me determine on an expedition down the river to collect gold licence duties, but frost and snow set in again and prevented me from carrying my intentions into execution.

There would be no use in attempting to collect mining licence duty till the miners begin to work. It would be almost impracticable to discover by whom cash "diggings" was claimed unless the owner was found upon it, and unless the miners happen to be found at work they will find some excuse to evade payment of the tax.

Clusters of boats crowded with people are passing up the river every day. It is surmised that there will be an immense population in the upper country this season.[55]

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*Lieut. Governor Moody, Victoria, V.I.*

---

FORT YALE, B.C.,
8th March, 1859.

SIR,—I have the honor to submit to your Excellency a communication which I received late last evening from Captain Travaillot, Assist. Crown Commissioner at Lytton. I wrote Captain Travaillot requesting that he would transmit through me all his communications relating to goldfields and mining operations, but he has introduced into his letter matter unconnected with the Gold Department. I shall therefore write to him again desiring that in his official letters to me in future he shall confine himself to matters relating to the Departments with which I am concerned, and suggesting that on all other subjects he should address himself to your Excellency *direct.*

(54) McGowan passed through Victoria about the middle of March, showing with pride some $4,700 in gold-dust, which he declared was "pretty good for an old man of fifty."

(55) See note (78) to the correspondence of Judge Begbie, *ante*, p. 51. The surmise did not come true. The miners of the "upper country" were obtained by the depletion of other mining districts of the colony and not by immigration.

I have marked so X these parts of Captain Travaillot's letter which are of interest as connected with the goldfields.

At A Captain Travaillot refers to information I gave him that a party of professional gamblers from Fort Yale were about to proceed to his district, and that unless he took prompt measures to dislodge them they would cause him trouble.

At B he alludes to the announcement of the time at which the Assizes were to be held, made public by desire of the Hon. Chief Judge Begbie.

At C Captain Travaillot alludes to instructions which I sent to him with regard to the recording of water privileges for mining purposes in order to guard against litigation such as will soon probably arise in the Fort Yale District.

Paragraph D alludes to the report that the Chief Constable at Lytton kept a public-house referred to in my letter to your Excellency of the 2nd Inst.

At F Captain Travaillot alludes to remarks which in a letter I made to him as a suggestion merely. I knew that he had been applied to for a choice lot in the new Town of Lytton, and I suggested to him that under present circumstances it may be expedient before he disposed of Town lots if he applied for or awaited your Excellency's instructions as to how the Town lots were to be sold.[56]

I have the honor to be,
Sir,
Your Excellency's obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*To His Excellency Lieut. Governor Moody, Fort Langly.*

---

Fort Yale, B.C.,
17th March, 1859.

Sir,—I have the honor to state, with reference to your letter of the 2nd Inst. relative to the granting of spirit licences quarterly, that on making inquiry into the licensing system pursued at Fort Yale, I ascertained that Mr. Hicks, late Assist. Crown Commissioner, had

(56) Under the Proclamation of February 14, 1859, town lots were to be disposed of by auction. This letter shows the material that the Governor had to work with and the care that was necessary to prevent possible future difficulties.

been in the habit of granting yearly spirit licences and of receiving the duty on them in quarterly instalments. It was intimated to me that this practice was permitted by His Excellency the Governor, and as I could not discover by any papers in this office that it had been prohibited by His Excellency, I was slow to interfere with an arrangement which to me appeared to work satisfactorily until I should receive His Excellency's orders on the question, and I continued to issue licences as Mr. Hicks had done, with this exception: that instead of granting the licences for the full year and taking the duty in quarterly payments, I granted the licences for the quarter, to be extended on each additional payment in advance. I adopted this course in order that the licences should become void in case the payments in advance were not punctually made.[57]

His Excellency the Governor has given his decision in this matter. I therefore cannot presume to argue on the opposite position, but I hope I may be pardoned for making bold to say that I am yet advisidly of opinion that the issue of quarterly licences to spirit dealers would increase the revenue and tend to check the illicit retailing of spirits, while at the same time the practice would not be more extensively productive of vicious effects upon the community.

With regard to the law as it now is by Proclamation, I beg leave to request some instruction. What is the penalty attached to the breach or evasion of the law? And in what way must proceedings against offenders against the law be taken? I believe, as the English law stands, Magistrates must be authorised by special statute to try any particular description of case, and in offences against the revenue laws, unless a special mode of proceeding be laid down, the cases must be brought into the Court of Exchequer. I may be wrong in this view. I only ask for instruction lest the question may be some day raised by a lawyer.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

(57) By Proclamation, February 8, 1859, the license fees were fixed at £100 per year for wholesale and £120 per year for retail liquor dealers. Hicks's plan was improper, as endangering the revenue, but Brew's plan was quite illegal.

FORT YALE, B.C.,
18th March, 1859.

SIR,—I have the honor to acknowledge the receipt of your communications—three of the 2nd Inst., one of the 4th Inst., three of the 7th Inst., and four of the 8th Inst.—all of which arrived here at the same time by mail on the afternoon of the 16th Inst.

It appears His Excellency the Governor is under the impression that I have delayed letters transmitted through my hands and that I am not sufficiently prompt to write on matters which should be made the subject of Report. I have not since my arrival at Fort Yale overheld for one mail any letter which I conceived should be submitted, and I have never delayed an hour to write on any matter which I considered should become the subject of a written communication. One letter from Captain Travaillot particularly alluded to was submitted the day I received it and forwarded on the following morning.

I regret that any delay should have been caused by the error which in my ignorance of official etiquette I fell into of not addressing my correspondence through the proper official channel.[58]

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

FORT YALE, B.C.,
18th March, 1859.

SIR,—With reference to your letter of the 4th Inst., stating that you were instructed by His Excellency the Governor to acquaint me that, in regard to the account of Dr. Fifer's[59] submitted by me on the 12th Ult., Dr. Fifer had no claim against the Government, I have the honor to state that on the 1st Inst. I submitted another account of Dr. Fifer for medicines which were chiefly supplied to prisoners in

(58) Governor Douglas was very strict in requiring that all correspondence should pass through the proper official channels. This determination brought him into conflict with John Nugent, the United States Commissioner; *see* the Parliamentary Paper thereon. Doubtless the uncertain movements of the mail at that time accounted for some of the delay of which the Governor complains.

(59) M. W. Fifer, the physician at Yale, who is frequently referred to in the preceding correspondence of Hicks and Judge Begbie.

Fort Yale Gaol at my request. For future guidance I beg leave to ask to be instructed how medical attendance and medicines are to be provided for parties in gaol. If an invalid prisoner suffered from neglect the consequences would be very disagreeable.

I may add that Dr. Fifer informs me that if he be called on any future occasion to attend prisoners in gaol he will feel himself at liberty to charge for his attendance as well as for his medicine.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
18th March, 1859.

Sir,—In reply to your letter of the 8th Inst., directing me by order of His Excellency the Governor to submit without delay a "Return of Town Lots granted on Lease under the conditions established in September last," I have the honor to state that on the 3rd Inst. I forwarded through the Lieut. Governor in a very full form the information required by His Excellency the Governor.[60]

I now beg leave to submit again the information ordered, but I have not had time to have as full and complete a Return prepared as I before submitted. One payment of $50 made on yesterday by Daniel McClean on his Lot is included in this Return.

11. The Returns called for in your communication of the 8th of February are an Account of income and expenditure in the Fort Yale District, a List of debts due, and a Return of the average monthly expenditure in the district. All this information I think I supplied in my communication to you dated the 5th Inst. The debts have been as far as means would admit paid; but I hope the finances of the district

(60) These leases required payments of $7.50 per month, which gave a right of pre-emption and were to be regarded as instalments of the purchase price. Mr. Hicks's conduct had muddled the whole situation, as Judge Begbie's letters show. By the "Lieutenant-Governor" Brew means Colonel Moody, but this form of reference was improper. *See* note (37) to Judge Begbie's correspondence, *ante*, p. 33.

will shortly be in a condition to clear everything off. I attach an account of the monthly pay of the officials at Fort Yale. The only other expenses are irregular and can scarcely be averaged. The expenses of one prisoner in gaol is about $40 a month, but the cost of each individual prisoner lessens as the number of prisoners increases. The expense of fuel and light for my office depends on the numbers of hours each day I happen to be engaged at office business.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
19th March, 1859.

Sir,—I have the honor to state that two miners—one named John Carne Williams, a Cornishman, and the other named George White, a native of the United States—who were proceeding higher up Fraser River requested me to place some gold of theirs for security in the safe here until their return, as they were afraid to take it with them. The men had no other safe place to deposit their gold and I was unwilling to refuse them, so I took it at their risk and placed it in the Government safe.

Williams deposited 7 3/16 oz. weighed and White deposited a bag said to contain 43½ oz. White said he would pay anything reasonable for the safe-keeping of his gold, but I told him I was not authorized to receive anything.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary,*

FORT YALE, B.C.,
19th March, 1859.

SIR,—I have the honor to submit for the approval of His Excellency the Governor the accompanying accounts of expenses incurred by me in proceeding to Fort Yale from Fort Langly on duty on the 23rd of November last, and again in proceeding from Fort Langly to Fort Yale on the 13th of January last to act as Chief Gold Commissioner. On the latter occasion I was accompanied from Fort Langly by Mr. Hicks, Mr. T. Elwyn, Mr. John Haynes, and by Mr. George Tennant, all on the public service.

At Fort Langly I received a verbal order from the Lieut. Governor to follow him to Fort Yale with all despatch. I could not either procure a canoe or Indians and I had to attempt the journey in a heavy boat with a crew of four white men. We made every effort to push on, but failed in getting the boat beyond the "Sumash"[61] River, and on the third day I had to send the boat and crew back to Langly and with much difficulty procured two canoes to take us on to Fort Hope. I got a light canoe for myself to enable me to get on more rapidly and I got a heavier one for the remainder of the party, who were not in such haste.

In addition to the cost of the boats and crew's wages, we had to feed the white men and Indians, which we did at our own expense.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

FORT YALE, B.C.,
19th March, 1859.

SIR,—I have the honor to report, for the information of His Excellency the Governor with reference to my letter of yesterday, that Mr. Cox and Mr. Haynes have just returned from the expedition on which I despatched them to collect gold licence tax between Fort Yale

(61) Sumas River. "Langly" is, of course, Langley.

and Fort Hope. They succeeded in collecting only $80, although they visited every bar between the two places.[62]

Most of the miners who did not pay said that they would gladly pay as soon as they had worked out some gold, but that they had only just commenced mining, which, Mr. Cox informs me, he believed to be the case, as the ground had scarcely been disturbed and the miners were shovelling into their sluices as much snow as dirt.

On the "American Bar,"[63] about six miles from Fort Hope, the miners, except a few Chinamen, absolutely refused to pay and only laughed at the demand. I shall send Mr. Smith[64] a warrant to collect on this bar, and if the miners refuse to pay I shall have them summoned to Fort Hope and shall attend the prosecution.

I trust that in these measures His Excellency will not consider that I am exceeding or deviating from my powers or duty.

I shall despatch another expedition up-river on Monday or Sunday next.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
[March 26, 1859.]

Sir,—I have the honor to state, for the information of His Excellency the Governor, that I despatched Mr. Haynes and Mr. Cox up-river this morning to collect miner's licence, spirit licence, and trading licence duties. After inquiry and full consideration of the cheapest and best river trail[65] on foot to Lytton. They are to collect at all the places

(62) William George Cox and John Carmichael Haynes. The tax was 21s. ($5) per month. There were about thirty bars between Hope and Yale.

(63) American Bar, about four miles above Hope on the right bank of the Fraser. The Chinese had come from California, and by this reference must have held mining claims, though the earliest record to be found in the Yale record-book is May 7, 1860, but the records are manifestly incomplete.

(64) Robert T. Smith, the Revenue Officer at Hope. *See also* note (17) to Judge Begbie's correspondence, *ante*, p. 26.

(65) This trail was at a low level. It followed the right bank of the Fraser to a spot about opposite Boston Bar, where it crossed to the left bank and continued at somewhat higher elevation to Lytton. These license fees or taxes were 21s. a month for miners, £120 per year for retail liquor dealers, and 30s. (or $7.50) a month for traders.

Robert T. Smith, Justice of the Peace and Revenue Officer at Fort Hope.

they can visit as they go along, and at Lytton they are to hire a canoe manner in which they could travel I decided on sending them by the and return by the river to Fort Yale, visiting every bar and claim on either bank. I furnished these gentlemen with letters to Captain Travaillot, Assist. Crown Commissioner, who will of course afford them his best advice and assistance.

As I stated I should do in my communication of the 19th Inst., I sent a warrant to Mr. Smith, J.P., authorizing him to collect mining licence duties in the neighbourhood of Fort Hope. I beg leave to submit for His Excellency's information Mr. Smith's reply.

This day is a very fine one; heavy rains during the last few days have washed off a good deal of the snow, and I hope that now mining operations will commence in full vigour. I have been informed on reliable authority that there are at least thirty Indians washing out gold with "cradles" between Fort Yale and Lytton and that they are becoming most expert miners.

Since the *up-river* movement commenced about 300 boats have passed Fort Yale; on an average each boat carried 5 white men beside Indians, and I dare say a greater number have passed up-country by trail than by boats.[66]

The "Way" over the falls about 5 miles above Fort Yale, alluded to in my letter of the 26th Ult. to the Lieut. Governor, is completed. It is found a great convenience and already about 60 boats have passed over by it. Travellers by boats are glad to take advantage of it, as a *portage* which heretofore occupied a whole day is now done in an hour or two. I believe I had no right to permit the "Way" to be constructed and I am sorry I did so without authority. I was tempted to do so, as I know that I should receive no reply to a communication on the subject for at least a fortnight, and as the "Way" can only be used in low water I knew that every hour lost was of value.

I have recorded a water privilege for mining operations of 15 inches for one sluice about 20 miles above Fort Yale to Henry Dryfoot and Henry C. Miller. I annex a copy of the record. I received a fee at the time of registration of $5, which I placed in the public chest.[67]

I beg leave to request to be instructed if I am at liberty to receive the rents on Ferries granted by Mr. Hicks, late Assist. Crown Com-

(66) *See* note (78) to Judge Begbie's correspondence, *ante*, p. 51.

(67) This record was granted on March 19, 1859, giving the privilege of conveying water about one mile to Chapman's Bar (near the Suspension Bridge of later years) for mining purposes. The tax was $5 per quarter.

missioner. He erected and let a Ferry at Boston Bar, Spuzzem, Fort Yale, Quequinalla, and, I think, Fort Hope.[68]

Four men coming down-river a few days since were drowned. I have not learned their names. It is said that one of them had eighteen hundred Dollars worth of gold-dust on his person at the time he was lost.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

P.S.—It has just come to my knowledge that two men are at Fort Yale with six hundred ounces of gold which they, since the river fell, washed out on an island opposite Boston Bar, about 40 miles up-river.

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
27th March, 1859.

Sir,—With reference to my communication of the 12th of January last addressed to His Excellency the Governor, reporting that I had placed Mr. Thomas Ronaldson and Mr. William Moor to act as peace officers in Langly, I have the honor to state that I am informed that some weeks since these gentlemen got into a row, in consequence of which Mr. Ronaldson resigned and Mr. Moor was suspended. I received no official account of the transactions, but it appears that Mr. Moore was reinstated and ordered to be sent up to me. He has arrived here and I really do not know what to do with him. Recommended as he believes he was when he arrived from England, he hopes to occupy a more respectable position than that of constable, and if he is to be appointed to a higher post I should be unwilling to order that he should be placed on constable's duty with the class of men who are constables here.

The only duty I could put Mr. Moore to would be to collect duties on the river, but until I know anything more of him I do not wish to trust him on a duty of this nature; he appears to have been while

(68) The only records of ferry privileges granted by Mr. Hicks to be found in the record-book are: Chilliwack, November 29, 1858, rental to be fixed later; Spuzzum, December 4, 1858, rental $600 per annum; Boston Bar, March 26, 1859, rental $600 per annum.

at Langly so very foolish. He left the place in debt, did not pay for his passage up the river, and arrived here without one farthing in his pocket.

If Mr. Moore does anything wrong here I shall not hesitate to report his dismissal, but if he continue to conduct himself with propriety I request instructions as to the duty at which I am to employ him. I shall give him some office-work until I receive orders respecting him.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*As. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
2nd April, 1859.

Sir,—I have the honor to state that the expedition which I despatched on the 26th Ult. to Lytton to collect duties has not yet returned.

During the last week we collected over $150 from miners about Fort Yale. Some men paid the tax most willingly, but from the majority of miners it was extracted with difficulty and after great grumbling.

I intend to make an excursion towards Fort Hope next week to settle some difficulties about ditches, and I shall avail myself of the opportunity to have the miner's tax collected from parties who on a former occasion refused to pay. Mr. Smith from Fort Hope was at Fort Yale yesterday. He informs me that he hopes to be able to collect the tax from the greater number of miners about Fort Hope. I think it would stimulate Mr. Smith to bolder exertion if he were promised some remuneration for his trouble in collecting the tax. He can scarcely at present consider it a part of his duty.

On the 30th Ult. I went in a canoe up the river some distance to visit the bars and ascertain if any mining was going on. The snow was too deep on the ground to admit of sluicing, and except at one place, where there was a hand-machine for lifting water, all the miners were idle.

On this occasion I inspected the "Way" over the falls; it is of timber, as rudely constructed as can be well conceived, but is completely successful; every boat passing up or down river takes advantage of it, but now that it is known to be a profitable speculation people think the charge for passing over it is too high.

I send attached a copy of a claim for a water privilege between Fort Yale and Fort Hope which I recorded. I charged $5 for recording the claim, which sum I placed in the public chest.

There seems to be some doubt whether I have authority to grant water privileges; I shall therefore in future only record the claim to decide priority of application.

I collected $90 at Fort Yale to expend in blowing up a rock a little above Hill's Bar which in high water renders the navigation of the river at that point dangerous. Six men were drowned there last summer. I was on the rock yesterday and found that it was larger than I supposed, so I fear the $90 will not complete the work.

I requested several persons going up the river to write to me to say what were the prospects in the goldfields of the upper country. Amongst others, an intelligent lawyer named George, from whom I received a letter, which I beg leave to forward as it contains matter which may be considered of interest.

I have taken up the new Government House from the contractor and settled his account. I shall send all the particulars with the district monthly account by the next mail.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
9th April, 1859.

Sir,—I have the honor to report that Mr. Cox and Mr. Haynes, who were despatched by me on the 26th Ult. to collect licence duties up the river, returned to Fort Yale on the night of the 4th Inst.

I regret to say that the expedition was not as successful as I hoped it would be. The expenses exceeded the amount collected by

$44.75. The expenses of the officers amounted to $127.25; the sum collected was only $82.50. I did not expect that a very large sum would be collected, but I certainly did not at all anticipate that the expedition would be so complete a failure as it proved.

It does not appear to me that the measures taken to enforce the collection of the License fee have been sufficiently energetic; the miners will never pay the tax unless compelled to do so. Whenever a miner refuses to pay the License fee, his claim should be immediately offered and made over to any other person who may pay the tax and that person should be protected in his rights.
It is clearly idle to maintain a strong force in the country if the miners are to do as they please and not be brought into submission to the laws.
Mr. Brew should first establish the regulations *firmly* on all the Bars below Fort Yale and leave the upper Bars for the present. Let there be no hesitation in putting the law in force, and I have no doubt that Mr. Brew's energy and judgment when personally exerted will accomplish all that is desired.
Allow no trifling with Officers in the discharge of their duty; the miners must be prepared with care to pay their taxes when called for, and not detain the officer by requiring him to weigh out small portions of gold-dust.

I am satisfied that the want of success cannot be attributed to any want of sufficient exertions on the part of Mr. Cox and Mr. Haynes, for these gentlemen are aware how very anxious I am to collect the revenue, and I am convinced they would leave no effort untried to carry my wishes and orders into execution. I beg leave to send attached a report which I received from Mr. Cox. If his Excellency think, after the failure of this expedition, that I would be warranted in risking the expense of another, I shall proceed up the river myself and try what amount of revenue I can have collected under my immediate superintendence. I would have some of the parties on the bars up the river who refused to pay the miner's licence tax summoned, but the expense and difficulty of having summonses served and, if the parties failed to appear, the expense and difficulty of having them arrested would be so great that I do not like to adopt the measure without special authority. I am only deterred by the expenses, but if His Excellency will be pleased to permit me to incur them I shall not hesitate for a moment; for if the duties are to be enforced coercion must be resorted to.

I expect that there will be some trouble on Hill's Bar before many days; all the miners on the bar are wrangling about the extent of their claims. I was the greater part of yesterday down there trying to settle their disputes. I found that some of the claims had over 25 feet frontage and some others under. I tried to assimilate the claims as much as practicable and in doing so had to take a few feet off the mining-ground claimed by Mr. Perrier, lately the Magistrate on Hill's Bar,[69] who gave himself a very liberal measurement. I am informed that he declared he would work the ground I took from him and not allow the man to whom I adjudged it to interfere with it. If Mr.

(69) Dismissed because of his conduct in arresting and fining for contempt of court his brother magistrate at Yale, "Captain" Whannell. *See* notes on Judge Begbie's letters, *ante*, pp. 35, 36, and 39.

Perrier attempt to do anything in opposition to my decree, which I gave after full inquiry, I shall positively have him summoned and punished. I am inclined, though, to suspect that his threats are nothing but talk.

Within the last fortnight there were two boats upset between Fort Yale and Lytton and six men drowned. I have not learned any of their names.[70]

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

*(Enclosure.)*

FORT YALE, B.C.,
6th April, 1859.

SIR,—I have the honor to inform you that in accordance with your instructions I left Fort Yale, accompanied by Mr. Haynes, on Saturday, 21st Ultimo, by trail[71] for Lytton City. We started at 8 o'ck A.M., taking with us three Indians as packers, two of whom carried our blankets, the third necessary provisions for themselves. The morning was fine and, although the snow on the neighbouring mountains was fully three feet deep, the trail was pretty good. During this day we walked about sixteen miles and on our way passed three "stop-houses," at each of which I presume the illegal sale of spirits is carried on. Yet we had no ocular proof of such being a fact. In the evening we arrived at the "California House," close to the Ferry,[72] and were detained the following morning until near 12 o'ck by a heavy fall of snow, when the day brightened and we resumed our journey and came to the Canon House[73] at 6 o'ck in the evening after a march of fourteen miles.

(70) These frequent references to drowning accidents show that the miners underestimated the dangers of navigation in the canyons. They were endeavoring to make their way up the river in boats, as earlier statements in the correspondence indicate.

(71) Judge Begbie, who passed over this trail a week later, writes: "The trail by which we advanced was at that time, I should think, utterly impassable for any animal but a man, a goat, or a dog."

(72) The ferry at Spuzzum, operated by Franklin Way, under permission from Mr. Hicks, granted December 4, 1858. The distance from Yale to Spuzzum ferry was supposed to be about thirteen miles; by the railway to-day it is given as less than twelve miles. All the distances in this report are exaggerated.

(73) Near the Big Canyon.

John Carmichael Haynes, first Gold Commissioner in Kootenay, 1864–65.

We staid there for the night, much fatigued, as the trail had been very indifferent indeed.

Next morning (Monday) we left our quarters at 7 o'ck and after a couple of hours' fair walking we entered on a trail, if it could be called such, extending over five miles of huge broken rock, with continual ascents and descents across rugged and dangerous masses of stone, and as these obstacles presented themselves for so long a distance our progress was much impeded. However, at 5 o'ck same evening we reached "Island Bar," crossed the ferry to "Boston Bar,"[74] and there remained for the night; the latter is a pretty little village and a fair business is transacted there in the way of "entertainment for man and beast." Up to this point we observed nothing but one uniform extended range of mountain without the smallest variety, except that now and then we were hemmed in between precipitous hills of the same inhospitable character. One general feature, however, pervaded the entire wall unpassed over—viz., its utter nakedness as respects either beast or bird, we having seen but a solitary raven.

Leaving "Boston Bar" on Tuesday morning at 7 o'ck, we travelled a very agreeable trail for nearly seven miles, during which we met several Indian families carrying their all and making their way to Fort Yale. These poor natives informed us by speech and gesture, and indeed their wretched appearance fully bore them out, that they were destitute and starving; we handed the children a few biscuits which were greedily devoured. We also visited some Indian habitations and found each family in a state of fearful misery and want, their meals for the most part consisting of soaked moss converted and baked into a peculiar kind of black cake; others were busily engaged devouring a wasted dog, a dainty they told us seldom to be met with.[75] Parting with these unfortunate fellows, we pushed on, and after travelling seven miles further (fourteen miles from "Boston Bar") we arrived at "Jackass Mountain." I regret I cannot afford you much information connected with this locality, for with perpendicular ascents and dangerous descents my eyes and thoughts were wholly engrossed with the safety of my life, more especially when crawling along the edge, paths which are only a few inches in width and which form the trail along the sides of this lofty mountain and overhangs the river. There

(74) Island Bar was on the right bank of the Fraser, which is the side the party is using; here they ferry across to Boston Bar at the mouth of Anderson River and on the left bank of the Fraser. The travellers' distance is not given, but it must, to them, have been almost forty miles; in truth, it is but twenty-seven.

(75) Dog was always a dainty dish amongst the Indians and the voyageurs. *See* Fraser's Journal in Masson's "Bourgeois de la Compagnie du nord ouest," Vol. I., p. 188.

is some skill required in travelling these narrow ledges to preserve the balance, particularly when fatigued, for the smallest false movement would occasion a fall of some hundreds of feet. I fear, were this the only mode of transport between The Forks and Yale, personal and commercial intercourse would have but a limited extent; this disagreeable and dangerous pass extends for about half a mile, perhaps less.

Gladly leaving it behind us, we again came on a fair trail, and after a walk of six miles arrived at a restaurant, where we put up for the night. We walked this day twenty miles.

The following morning (Wednesday) we left at 7 o'ck with the intention of reaching Lytton City before night, distant about twenty-five miles.[77] Our trail on this occasion lay principally through woods and was not to be complained of. We accomplished about eighteen miles of our journey when darkness approached, and not being acquainted with the road we decided on taking shelter in an unoccupied and almost roofless miner's hut standing close to a deserted "bar."

The following morning (Thursday) we pursued our march, and about four or five miles this side of Lytton we observed some very pretty patches of flats and slight mounds, also preparations for vegetable gardens on a few plots of ground fenced in, in one and two acre lots, by some Frenchmen.

At half-past 12 o'ck this day we reached Lytton. Lytton at present is a small village composed of about twenty-five small and a few large log cabins and stands on a spacious plateau, being elevated considerably above the level of the river. We have seen several large boats arriving and passing, some loaded with provisions for disposal and others with miners and mining apparatus, but all bound for the "upper country."

Having enquired for Captain Travalliot, J.P., for Lytton City, Constable Flynn informed us that he had gone on magisterial business[78] to the "Mountain" and probably would not return for some days. Under these circumstances and accommodation being so very immoderate (meals $3 each),[79] we determined on leaving the following morning by canoe. But we could not procure a [illegible] on and were thus delayed one day longer than necessary. On the evening of this

(77) This makes the distance from Yale to Lytton about eighty-five miles. It is ordinarily called about fifty-seven miles. The C.P.R. calls it 55.7 miles. Lytton was named after Sir Edward Bulwer Lytton, then the Secretary of State for the Colonies.

(78) Captain Travaillot seems to have been a difficult man to find. Judge Begbie states that he had arranged to meet the captain at the Fountain, but business prevented him from keeping the engagement. *See* B.C. Papers, Part III., p. 21.

(79) Judge Begbie has the same complaint: "We were charged three dollars for each meal, consisting mainly of bacon and hearth-made bread." B.C. Papers, Part III., p. 19.

day (Friday) Chief Justice Begby, with Mr. Sheriff Nichole and Mr. Bushby, arrived, apparently fatigued but not displeased with the journey.[80]

On Saturday morning Mr. Walker, lately connected with the Hudson Bay Company's service,[81] most kindly placed one of his best canoes at our disposal and afforded us all information and every facility necessary for our undertaking, advising at the same time our engaging two additional trustworthy and experienced Indians to assist in managing our canoe (a large one) through the many ripples to be encountered in our passage.

Following Mr. Walker's advice, we left Lytton City at 10 o'ck A.M.

The first sluice we met with was about two miles and a half from Lytton. The owners refused paying the miner's tax, stating that their means were but scanty.

"Kanaka Bar".[82] Did not observe any miners.

"Siwash Bar,"[83] about fifteen miles from Lytton: Refused payment for the present. One sluice at work between this and Lytton. Saw several scattered miners, all of whom declined paying the tax, stating then they had only worked for a few days.

"Italian Bar," eighteen miles from Lytton: One sluice at work by two Frenchmen; both readily paid.

"Putman's Bar,"[84] nineteen miles from Lytton. Three partners, one sluice; had lately called on Captain Travalliot and paid the tax.

"Fargo's Bar,"[85] 28 miles from Lytton: One sluice at work, three partners; refused payment. Opposite and in the vicinity of this bar we observed many solitary miners, but could not induce payment; also saw some deserted bars, with cradles and rockers strewn about.

"Island Bar," immediately opposite "Boston Bar," forty miles below Lytton:[86] Three sluices at work, two of which wash from eight to twelve ounces daily each. The original holders of these rich claims returned a short time since to their homes, having cleared within ten weeks $3,600 to the man. We were paid by four miners, the remainder excusing themselves for want of time.

(80) *See* Judge Begbie's report in B.C. Papers, Part III., pp. 17–24; and in the Journal and Proceedings of the Royal Geographical Society for 1859, pp. 237–248.

(81) Donald Walker, who had been in charge of the Hudson's Bay Company's post at Fort Hope, but who in 1859 had resigned and begun mining. After mining in Cariboo and other places he spent his last days in Kamloops, where he died in November, 1912.

(82) Kanaka Bar was about eight or nine miles below Lytton.

(83) This Siwash Bar was about ten miles below Lytton.

(84) The locations of these two bars cannot, at present, be identified.

(85) There were two Fargo's bars. This one was near the mouth of Salmon River, some sixteen miles below Lytton.

(86) From Boston Bar to Lytton is only about twenty-seven miles.

"Nieurangun Bar":[87] Rich claims. The miners absent, having gone to Yale to purchase provisions.

"Sierei Bar,"[88] fourteen miles from "Boston Bar": Ten miners at work, six of whom willingly paid, the remainder declining to do so for a few weeks.

"Cross Bar":[89] No yield; refused payment.

"Dutch Bar":[90] Completely deserted.

"China Bar":[91] One sluice, three owners, but payment refused; had only been there three weeks.

"Maddison Bar,"[92] sixteen miles above Yale: Miners in bad spirits and preparing to leave for the upper country.

At the Ferry two bars are deserted.

"Higon Bar,"[93] fourteen miles above Yale: Sluices only, preparing to work and refused payment.

"Sailors Bar,"[94] nine miles above Yale: Almost deserted; payment refused by those remaining.

"Piket Bar,"[95] seven miles above Yale: One sluice; four partners had only worked three days; refused payment, but will willingly pay in a short time.

During our course down the river we observed about twenty or thirty Indians working with [rockers]; both men and women were engaged in this and we were given to understand that they cleared $1 per day. We also called on all scattered miners who have located themselves along the banks of the river, but did not receive one payment from this class. We also met many boats, all for one destination—the "Canoe River."[96]

The miners who refused paying the licence in all cases informed us that they had passed a severe and expensive winter and would willingly conform to all the laws when properly at work.

We arrived here on Monday night, 4 April, having been absent ten days from the date of leaving, and particulars of moneys received and spent shall be furnished you immediately with the proper receipts.

(87) Nicaragua Bar, about 8 miles below Boston Bar on the same (or eastern) side of the Fraser.
(88) Probably Swan's Bar is meant. It lay between Nicaragua Bar and Cross Bar.
(89) Cross Bar was at the foot of the Big Canyon.
(90) Dutchman's Bar, a little below the site of the Suspension Bridge.
(91) China Bar is out of its proper sequence. It was situate about a mile above "Camp Sixteen" on the C.P.R. and about six miles below Boston Bar. It was the first bar of importance below Boston Bar.
(92) Madison Bar, about ten miles above Yale and two or three miles below Spuzzum.
(93) Perhaps the real name was Hiyou Bar. It cannot now be identified.
(94) Sailor Bar, about seven miles above Yale.
(95) Pike's Bar, at Pike's riffle, about six miles above Yale.
(96) Canoe Creek, about one hundred miles above Lytton, a tributary of the Fraser.

A miner working in a sluice.

It may be proper to remark that we went by the "River Trail," the other by "Lake House"[97] being completely closed by many feet of snow, making it impassable even for mules.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) WILLIAM GEO. COX.

---

FORT YALE, B.C.,
10th April, 1859.

SIR,—With reference to your letter of the 2nd Inst., stating that you were desired by His Excellency the Governor of British Columbia to acquaint me that I am to act as Collector or Sub-Treasurer in my District, I have the honor to state that as my appointment as Chief Inspector of Police was for the whole of British Columbia, and as the appointment which His Excellency did me the honor of conferring on me was Chief Gold Commissioner for British Columbia, and as I was under the impression that the Assist. Commissioner's duties at Fort Yale were only temporarily to be carried on under my superintendence until an Assist. Commissioner should be appointed, I do not know what the limits of my District are, unless I am to assume that it is intended that the range of my duties is not to extend beyond the District of Fort Yale.

The duties alluded to were not inforced with reference to either of the appointments held, but were allotted to him for the time being as the principal and most responsible public officer at Yale, and these particular duties are confined to the Yale District.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

FORT YALE, B.C.,
11th April, 1859.

SIR,—As a step towards entering upon the task to accomplish which I was appointed to the office of Chief Inspector of Police for

(97) This trail crossed the Fraser at Spuzzum and continued at a high elevation along the eastern side of the river to Lytton. It was usually known as "the mule trail."

the Colony of British Columbia—the organization of a uniform system of police in the Colony—I have the honor to request that His Excellency the Governor will be pleased to permit me to take under my exclusive management and control the whole Body of Constables at present in the Colony. This step appears to be the more necessary as it is now determined that the financial arrangements of the several departments are to be conducted distinctly of each other with the Colonial Treasurer by the head of each department.

The Police force of British Col. is now under Mr. Brew's superintendence. It is not proposed to increase that force on account of the great expense to which it puts the country, and for the reason that the Royal Marines now serving in British Columbia may in emergencies be employed as a Police force.—J. D.

I am satisfied that the superintendence of the colonial police and the conducting of the financial branch of the department[98] will occupy my time to an extent that will render it impracticable for me to hold with advantage to the public service the supervision of another department.

If His Excellency be pleased to allow me to assume this charge, I have to beg His Excellency's orders to proceed without delay to the seat of Government[99] to prepare and submit for His Excellency's consideration a plan for conducting the police duties of the Colony, and to enable me to confer with the Colonial Treasurer respecting the system of police accounts which should be established.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew.

*W. A. G. Young, Esq., Colonial Secretary,*

---

Fort Yale, B.C.,
16th April, 1859.

Sir,—I have the honor to report that on yesterday Mr. E. H. Sanders, Assist. Gold Commissioner for the Fort Yale District, reported himself to me. He will without delay enter upon the duties of his office, and appears resolved to leave no effort untried to levy the miner's licence tax in his district.

Ack. receipt and a Commiss. as J.P. will be forwarded to Mr. Sanders.

(98) Mr. Brew has at last succeeded in being placed in charge as superintendent of the police force of the colony, as the Governor's note shows; though the formal order was not issued till later.

(99) By "the seat of Government" Mr. Brew means Victoria; for, although New Westminster was the capital, the Governor and almost all of the officials of British Columbia resided in the capital of the neighbouring Colony of Vancouver Island.

Mr. Sanders informs me that he has not been appointed a justice of the peace; as it will be impossible for Mr. Sanders to perform his duty as Gold Commissioner effectually unless he possesses all the power, authority, and jurisdiction of a Magistrate, I trust His Excellency the Governor will be pleased to issue to him the commission of the peace.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

FORT YALE, B.C.,
16th April, 1859.

SIR,—I have the honor to state that I have been called upon by the Colonial Treasurer to furnish returns showing the probable income and expenditure of the Gold and Police Department from the 1st of April to the 31st December, 1859.

As I am at present advised, any estimate of probable expenses I could give would be merely a wild guess, for I do not know what staff His Excellency the Governor will appoint to the Gold Department, and I am not informed of what determination has been arrived at with regard to the formation of a police. I have never taken charge of the constables at present under pay in the Colony; they are under the control of the Magistrate of the districts in which they are stationed.

I beg leave to ask His Excellency's order for me to proceed to Victoria for a few days, as I have to request the honor of being permitted to have an interview with His Excellency on these matters, and I should also be most anxious to have an opportunity of consulting with the Colonial Treasurer.

I shall arrange to have all the duties here carried on during my absence just as well as if I were present.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

FORT YALE, B.C.,
16th April, 1859.

SIR,—I have the honor to submit the annexed application from Mr. Sanders, Assist. Gold Commissioner, for 1,000 Forms of mining Licence for issue in the Fort Yale District.

The old Forms, of which there are not many on hand, are loosely and vaguely worded and lead to misconception. The miners think that on the payment of 21s. they are licensed for three months, and they in many cases are tempted to object to the payment of the tax for the second and third months.

Another objection to the old Forms is that unless all the Licences when out of date be collected, which would be impracticable, there would be no check on the collector for sums received on account of the second and last months of the quarter.

I think it would be expedient to adopt the Form proposed by Mr. Sanders and issue a new Licence to each Miner every month; then by compelling the collector to account for all Forms intrusted to him there would be a complete check on the amounts received.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

FORT YALE, B.C.,
16th April, 1859.

SIR,—I have the honor to submit for the consideration of His Excellency the Governor the accompanying account furnished to me by Mr. Land, proprietor of Fort Yale Sawmill,[1] for lumber supplied for Government purposes at the request of Mr. Hicks, late Assist. Crown Commissioner.

Payment to be made. Mr. Fleming should be required to furnish the lumber used for Government buildings at a price not to exceed $50, the terms offered to Mr. Cue at Fort Hope, otherwise a higher charge to be made for the lumber removed from the Crown land, and for the land.

Mr. Hicks states the lumber was procured to complete the Government House, now occupied as a post-office.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

COMMISSIONER'S OFFICE,
FORT YALE, B.C.,
23rd April, 1859.

SIR,—I have the honor to inform you that it came to my knowledge within a few days that a Mr. Erastus Champlain, of Fort Yale, had taken possession of 80 acres of land on the plateau on the left bank of Frazer's River opposite Fort Yale, and that he was clearing it and preparing it for tillage.

Approve Mr. Brew's decision. Any portion of land Mr. Champlain may have sown with vegetables he will be allowed to take the crop off.

I asked Mr. Champlain to-day by what authority he occupied the land, and he informed me that it had been granted to him by Mr. Hicks, late Assistant Crown Commissioner, that the grant was recorded in this office, and that it had been confirmed to him by His Excellency the Governor of British Columbia.

I made search in this office and the only papers I could find bearing on the matter are a notice of "*location,*" a copy of which I send attached. A paragraph in a letter from His Excellency the Governor

(1) Messrs. Land, Fleming & Co. had a sawmill operated by water-power on the flat opposite Yale. It was cutting lumber in September, 1858, and supplying it at the price of $125 per M.

to Mr. Hicks dated the 5th of September, 1858, of which the following is a copy:—

"Lastly, let the land opposite Fort Yale be divided immediately into 20-acre lots for garden purposes, to be immediately afterwards sold off on condition of immediate improvements."

A paragraph in another letter from His Excellency to Mr. Hicks dated the 4th of Nov., 1858, of which the following is a copy:—

"Contrary to our first intention, we have decided on reserving the tableland on the opposite side of Fort Yale on account of its being auriferous and therefore valuable as mineral land for the purpose of raising a public revenue."

And a sentence in a letter from His Excellency to Mr. Hicks dated the 19th of October, 1858, of which the following is a copy:—

"I have seen Mr. Champlain, but have referred him to the settlement made by Mr. Pemberton and yourself."

Approve of Mr. Brew's decision of this case.—J. D.

Under all the circumstances it did not appear to me that Mr. Champlain's title to the land was valid, and I therefore wrote to him cautioning him against holding or trespassing on the land or he would be prosecuted for the offence.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

Fort Yale, B.C.,
23rd April, 1859.

Sir,—I have the honor to request to be informed whether or not it is the determination of the Government to compel the removal of the houses built in the streets of Fort Yale by the 1st of May next.

Persons occupying those houses are naturally anxious to know if they will have to remove, as they wish to make the necessary preparations for shifting their stores and concerns.

People who hold town lots are most desirous to have those houses removed and are unwilling to pay up on their lots until they learn whether the houses are to be removed immediately or not, as the lots

will be of little or no value till the storekeepers living on the street are forced to abandon the street and locate themselves on town lots.[2]

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. BREW,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

FORT YALE, B.C.,
23rd April, 1859.

SIR,—I have the honor to state that since this day week $580 taxes on miners and water privileges have been collected at Fort Yale and Mr. Smith at Fort Hope has collected $195.

I beg leave to submit a report received from Mr. Saunders, Assist. Gold Commissioner, stating his proceedings on the different bars.

On one bar several miners refused to pay Mr. Sanders, and as he is not a Magistrate I am to proceed down the river with him early next week and sign summonses against the defaulters on the bar. At the same time I am not informed of the punishment which may be imposed on them for offending. I believe they are trespassers and as such may be fined five pounds before a Magistrate, but there is no penalty attached to a breach of the law in the proclamation making the levying of the Miner's Licence Tax legal.

As trespassers on Crown lands, I think that miners refusing to pay Licence tax might be arrested on the spot; but I fear that such a strong measure would lead to a serious collision, and I should be most unwilling to resort to it without special orders of His Excellency the Governor.

It is proper to inform His Excellency that from information I received this evening I have good reason to believe that there is a strong feeling arising against the Licence Tax, and that an agitation has already commenced to resist the payment of it. I fear that next month very little will be collected without resorting to coercion.[3]

(2) This difficulty originated in the conduct of Mr. Hicks. Judge Begbie's letters show the carelessness with which he had performed his duties.

(3) In Mr. Hicks's correspondence it will be seen that he had been making efforts to reduce this tax, and that the miners were aware of that fact.

The news from the upper country is not very favourable. Miners are wandering, prospecting in every direction, but as yet they have found no goldfields richer than those on the lower Frazer River, and no gold-bearing quartz has been found.

Mr. Elwyn and Mr. Haynes, accompanied by Mr. Hicks, went on the 21st Inst. to search for a silver mine said to exist some distance up a creek near Emery's Bar. They returned on the evening of the 22nd unsuccessful. They found it impossible to proceed on account of the depth of the snow in the ravine, but they are determined to try again.[4]

Out of one claim on Hill's Bar they took one day 39 ounces of Gold and I saw 16 ounces taken out of another claim after one day's work.

I am satisfied that many who went to the upper Frazer will return again and take up their old claims below, and I think that every alluvial flat on the river will be mined as soon as they can lead water upon them.

The river has risen at Fort Yale five feet by a river metre which I had erected.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

*(Enclosure.)*

Fort Yale,
April 23rd, 1859.

Sir,—Pursuant to your instructions, I on the 17th inst. left this for the purpose of collecting sums due upon expired mining and other licences. As I had been informed that Mr. Smith, J.P. at Fort Hope, had orders to collect up to American Bar,[5] I went no farther than Puget Sound Bar,[6] situated on the right or western bank of the

(4) This alleged silver mine had been recorded by Hicks on October 3, 1858. *See* notes (13) and (31) to his correspondence, *ante*, pp. 6 and 11.
(5) American Bar was situate about four miles above Hope on the right or western bank of the Fraser.
(6) Puget Sound Bar was the next bar above American on the same side.

river. On this bar there are certainly not more than thirty to forty men mining, although it is, under present circumstances, difficult to ascertain even the approximate number. Only nineteen licences were collected; the remainder of claim-owners either could or would not pay; many, I am convinced, had it not in their power to do so. The miners as a body complain bitterly of the extreme severity of the tax levied from them; they declare that what with the tax on claims, the tax on all articles of consumption, the exorbitant charges made by the ditch companies for the water they require for sluicing purposes, and the high rate of "grub," they have nothing left. It is only too evident that claims on this river on an average do not pay more than two to three dollars a day to the man. It would be advisable to recommend to the Government some more suitable and equitable mining tax; for instance, a tax on the gold exported from the country would yield a much larger revenue than that obtained by the existing system.[7] If the present mining regulations are to be strictly enforced, I am afraid the Government will be put to a very considerable expense; then, again, if they are not enforced, I do not suppose that I should succeed in collecting fifty dollars next month throughout the whole District.

French[8] and Landeau Bars: On these bars there were not more than six men; they are realising so little that they declare themselves unable to pay for licences; now that the river has increased, these bars will again be worked. On Victoria Bar[9] there were only four or five men, digging at the lower end; the upper end of this bar is, I am told, quite exhausted.

Strawberry Island:[10] On this island ten to fifteen men are mining with [varying] success. On one spot twelve to fifteen dollars a day have recently been won; on others only from four to six bits have been obtained. Seven licences were issued.

Victoria Bar:[11] The miners all insisted that they were unable to pay for licences, the whole of their earnings being absorbed in the erection of sluices and paying for water; many are owing for "grub" in stores at Yale and Hope. I here only issued two licences.

On Texas Bar,[12] which at one time yielded the richest gold in the country; Rosey Bar, situated opposite Texas Bar; Niagara Bar, and

(7) That Douglas had thought much about an export tax on gold is evident from his correspondence with Lytton; *see*, for example, B.C. Papers, Part II., p. 45; Part III., p. 2. But it remained for his successor, Governor Seymour, to enact such a law through the Legislative Council in 1865.

(8) French Bar was on the right or western bank of the Fraser about six miles above Hope.

(9) Victoria Bar was the first important bar above Puget Sound Bar; it was about six miles above Hope.

(10) Strawberry Island is about seven miles above Hope and opposite Texas Bar.

(11) This bar is out of its proper sequence. *See* preceding note (9).

(12) Texas Bar, opposite Strawberry Island, 7 miles above Hope.

London Bar[13] very little mining is done; although two men on the last-named bar are earning as much as twelve to fifteen dollars per diem.

Emory Bar:[14] There are not many miners on this bar; I did not collect more than the amount of four licences. The bar is the head-quarters of the Pioneer Ditch Company, who pay an average day's profits each month[15] to the Government.

Hill's Bar:[16] This is undoubtedly the richest bar in the district; I here collected three hundred and twenty dollars. The bank diggings are said to be exceedingly rich and extend for a considerable distance back.

Although the collection on some bars proved very unsatisfactory, the total sum realised was $515. You will be pleased to bear in mind that I have not yet visited all the bars of my district. Early next week it is my intention to collect on the bars between Fort Yale and the upper end of the Douglas Portage,[17] and subsequently between Puget Sound Bar and Fort Hope.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed) E. H. SANDERS,
*Assistant Gold Commissioner.*

*To Chartres Brew, Esq.,*
*Chief of Police, Chief Gold Commissioner, etc.,*
*Fort Yale.*

---

FORT YALE, B.C.,
23rd April, 1859.

SIR,—I have the honor to submit two letters just received by me from Captain Travaillot, Assist. Commissioner, Lytton.

I never stated to any miner as at A; it would be simply absurd of me to do so; but as a Gold duty was strongly advocated some numbers

(13) These bars cannot at present be identified.

(14) Emory's Bar, four miles below Yale. This was, later, the point at which the construction of the C.P.R. in British Columbia was commenced.

(15) This was the usual rental for a water privilege exacted by Mr. Hicks when in office.

(16) Hill's Bar, about two miles below Yale; the longest-worked, largest, and richest of all the bars on the lower Fraser. See earlier references to it in Judge Begbie's and Mr. Hicks's correspondence.

(17) The upper end of the Douglas Portage was near Spuzzum. The line of that portage trail was up Yale Creek and down Spuzzum Creek; it was built in 1848 as a part of the Hudson's Bay Company's scheme to utilize the Fraser as a means of access to the interior instead of the Columbia River route.

back in the Victoria *Gazette,* it was generally believed that it would be substituted for the Miner's Licence Tax. Several asked me for information on the subject, but I could not afford any; but I never concealed my wish that the Gold duty would be adopted.[18]

Captain Travaillot's rules compelling parties holding water privileges to pay $10 a month for each sluice and to be accountable that all persons receiving water are licensed miners simplifies and facilitates very much the collection of the revenue. But I fear these regulations will tend to retard the development of the goldfields of the Colony, as mining operations on an extensive scale cannot be carried on without a large outlay on ditches and water privileges, and people will not invest their money on speculations while subject to such responsibilities and restrictions. There is a ditch in this District on which I am informed $8,000 have been expended.[19]

Let instructions be forwarded to Mr. Brew, directing him to take charge of the police constables in the Colony and to make such distribution thereof as may be requisite for the public safety and convenience.[20]

With reference to B, I dare say officers are required at the point described by Captain Travaillot. As I have not been placed in charge of the Body of police Constables in the Colony, I presume I have nothing to do with the appointment of any Constables in the Lytton District. I have seen Flynn here and had opportunities of judging of him, and I must say he is not a man upon whom I would place an absolute trust.

I have received some accounts from Captain Travaillot[21] which I shall forward as soon as I extract sufficient information from them to enable me to frame a consolidated return of the Gold Revenue exclusively for the quarter ending the 31st of March last.

I have the honor to be,
Sir,
Your obedient Servant,

(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

(18) From the earliest mining days there was an almost constant effort to have this form of taxation adopted; but when, in 1865, that duty was imposed it met with much opposition. *See also* note (7), *ante*, p. 113.

(19) Wherever it was possible the mining on the bars was carried on by means of sluices. This required a considerable volume of water, which in many instances was brought long distances from creeks and lakes, and at much expense.

(20) The formal order authorizing Mr. Brew to take charge of the police force—an order for which he has been striving for about six months—is now to be issued.

(21) Captain O. T. Travaillot, the Assistant Commissioner of Crown Lands, etc., at Lytton. He is frequently referred to in this correspondence.

FORT YALE, B.C.,
23rd April, 1859.

SIR,—I have the honor to state that I feel that circumstances render me unable to have the business connected with the Gold Department performed either to my own satisfaction or to the advantage of the public service. I trust, therefore, that His Excellency the Governor of British Columbia will pardon me for requesting that His Excellency will be pleased to permit me to resign the office of Chief Gold Commissioner.

I take the liberty of asking this favour as I believe my resignation will in no way inconvenience the public service, for Captain Travaillot, Assistant Commissioner at Lytton, and Mr. Sanders, Assistant Commissioner at Fort Yale, are fully competent to perform their District duties independently of me and without my immediate Superintendence.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. BREW,
*Chief Inspector of Police.*

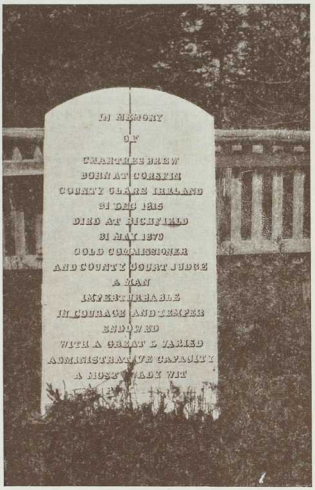
*W. A. G. Young, Esq., Colonial Secretary,*

---

FORT YALE, B.C.,
30th April, 1859.

SIR,—I have the honor to submit the annexed letter from Mr. Saunders, assist. Commissioner, reporting his proceedings in collecting mining taxes during the last week.

Mr. Saunders having stated to me that many of the miners working on Victoria Bar, about six miles above Fort Hope, refused to take out Licences, I went to the bar on the 25th Inst. to meet Mr. Saunders there on his way back from Fort Hope, and I brought blank forms of summonses with me, determined to summon all persons found mining who refused to take out Licences. The result was that nearly all the miners who were working paid, but there were some who had not the means of doing so and were not even able to pay the ditch company for the water they used. These men would willingly give up their claims to the ditch company to clear off the water debts if the company were allowed to take them and employ the men as labourers.




Chartres Brew's grave at Barkerville.

I shall visit American Bar[22] next week with Mr. Saunders to try if I can frighten or influence the miners into paying, but with the present state of the law and the means at command I look upon it as hopeless successfully to collect the tax. If the present system is to be persevered in it will be necessary to place a strong armed body at the disposal of the assist. Commissioner, and he must have power legally to arrest on the spot any man found mining without a licence. It would be impracticable to adopt the system of summoning, for men deny their names, give false names, and quit the bars, so that it is nearly impossible to make them out again to have them served with summonses.

That power is given to the Comm.

I beg leave to submit an account I received from Captain Travaillot, assist. Commissioner, and I also send a consolidated return of the Revenue arising from the Gold Fields since the 1st of January last, with the expenses of collecting the same. I imagine that Captain Travaillot's return must be inaccurate as he has inserted no expenses, although I know he was travelling over his district.

It would be necessary that an arrangement should be made authorising the Head of the Gold Department to *approve* expenses to a certain amount, otherwise the officers of the department will be crippled and the duty will neither be cheerfully nor satisfactorily performed.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed) C. Brew,
*Chief Inspector of Police,*
*Ass. Chief Gold Commissioner.*

*W. A. G. Young, Esq., Colonial Secretary.*

---

*(Enclosure.)*

Fort Yale,
April 30th, 1859.

Sir,—On the 24th inst. I resumed the collection on the bars intervening Puget Sound Bar and Fort Hope,[23] but, I am sorry to inform you, with little or no success. On Prince Albert Flat[24] fifteen men were engaged in mining operations; according to their statement it was quite out of their power to pay the mining tax, advancing the

(22) American Bar, situate about four miles above Hope on the opposite, or right, bank of the Fraser.

(23) A distance of about four miles.

(24) Prince Albert Flat was not between Hope and Puget Sound Bar; it was about a mile above Emory's Bar; i.e., about three miles below Yale. It was discovered in October, 1858. *See* note (12) to Hicks's correspondence, *ante*, p. 6.

customary litany of grievances—indebtedness for the winter's "grub," debt for lumber required for the construction of the necessary sluices, high rate of provisions, and poverty of "pay-dirt"; many of these men promised faithfully to take out the Licence required by the Regulations in the course of ten days. The water privilege granted to a company of eight individuals upon this flat yields no returns, there being no consumers. I am told that the average returns do not exceed two and a half to three dollars per man a day.[25] On Union Bar[26] there were only from three to four men working; the back or bank diggings on this bar is from various indications supposed to be rich in "pay-dirt" and will in all probability, now that the river has risen, be more extensively worked and when sluiced pay well. The low-water diggings did not yield more than two to two dollars and a half to the man; the men assured me that they were quite unable to pay. Trafalgar Bar,[27] on the left bank of the river, was being worked by two miners only and both were unable to comply with the Regulations; this bar also yields but one and a half to two dollars per diem. There were, as far as I could judge, about twenty-two men mining on American Bar, but these without exception refused to take out licences. I am informed that the average "make" per day is as much as three and four to five dollars. I should feel much obliged if you would be pleased to inform me as to the most advisable course to be pursued in cases such as the above, so that the Law may effectually be enforced. In my opinion coercion must be resorted to to put a stop to this, now almost general, unjustifiable opposition to the tax.

On the 25th I visited Puget Sound and Victoria Bars[28] for the purpose of collecting from those in arrears. I found that some of the miners whom, on my former tour, I had threatened with summonses in case of non-payment had left; others paid. Your presence on the latter bar had quite a magical effect and facilitated the collection incalculably. This proves how necessary it is that the Commissioner be at the same time a Magistrate, which would enable him more effectually to fulfil his duties, avoiding circumlocution and expense by settling all mining disputes on the spot.

On Ohio Bar[29] there were only two men working; both had been up the river and, to use a mining phrase, had returned "broke." I granted these men ten days' time to comply with the regulations.

(25) Mr. Hicks had reported on October 26, 1858, that upwards of four thousand men could work on Prince Albert Flat. *See* his letter, *ante*, p. 3.

(26) Union Bar, about two miles and a half above Hope, on the same side of the Fraser.

(27) Trafalgar Bar, opposite the Sister rocks.

(28) These two bars were close together, about six miles above Hope.

(29) Ohio Bar was about a quarter of a mile below Hill's Bar, but on the opposite, or right, bank of the Fraser.

On the 28th I again visited Hill's Bar for the purpose of settling disputes between various parties with regard to claims. Some I satisfactorily adjusted; others will require a more minute investigation. The miners on this bar are peculiarly troublesome owing to the richness and consequent value of the claims, and partly also to their possessing a special code of rules, sanctioned by His Excellency the Governor when here, enabling the miner to own two claims, one by location and the other by purchase; the result of this is that the purchased claims have changed hands so often and been divided and subdivided into such infinitesimal parts that it would require a Commissioner's whole time to settle the innumerable misunderstandings which arise.

The Rules and Regulations for Miners distinctly state that "all persons digging for gold or *otherwise employed* at the Gold Fields" are to take out licences. This law, it is needless to inform you, has been totally disregarded and claim-owners on every bar on the river employ three, four, and even five laborers; by this means excavating the claim in a very short time. This evil is difficult of remedy; the only possible means of doing so, that I can see, is to *enact that all claims employing unlicensed hands will subject themselves to prosecution.*

Cunoso's account (in the Victoria *Gazette*) of the mining operations in this district is infamously exaggerated; one convincing proof is the utter inability of most miners to pay for the water they require for sluicing purposes. Only the other day some ditch companies applied for advice desirous of enforcing payment! It is to be hoped that the Executive will speedily adopt some new system of taxation.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) E. Howard Sanders,
*Assistant Gold Commissioner.*

*To Chartres Brew, Esq.,*
*Chief of Police, Chief Gold Commr, etc.*
*Fort Yale.*

## MISCELLANEOUS DOCUMENTS.

*To His Excellency James Douglas, Esq., C.B.,*
*Governor and Commander-in-Chief of British Columbia.*

The Undersigned, representing the owners of the Steamers "Governor Douglas" and "Colonel Moody," trading on Fraser River, beg most respectfully to apply to your Excellency for Protection against the competition of foreign capital and foreign steamboats that undoubtedly will attempt to obtain possession of the trade of Fraser River; the large capital of the California Steam Navigation Company, the number of steamers under their control, renders such a project quite feasible.

To be referred to the Attorney-General for his opinion as to the power vested in me to grant exclusive rights to navigators.—*J. D.*

Your Memorialists would respectfully state that at the time they invested their money in these Steam Boats—namely, the "Governor Douglas" and "Colonel Moody"—and caused them to be built on Vancouver's Island, the prospects for doing business with them looked very gloomy. False reports of the probable trade of the country of British Columbia were industriously circulated by the owners of the American Steam Boats then running on Fraser River (by a "sufferance" from Your Excellency), thereby endeavouring to prevent us from building these boats and thus raising up a British interest on the river; and, further, Your Memorialists were strongly encouraged by the implied assurances that continually reached them that Your Excellency would afford every protection possible to sustain our enterprize.

The result of their enterprize has been most serviceable to the interest of British Columbia, being forced to carry merchandize in competition with the foreign steamers on the river at the commencement of the spring of this year; the rates of freight and passages were reduced from $70 per ton of measurement to $25 per ton, and for passengers from $10 per passenger to $6; and Your Memorialists have made no attempt to enhance those rates until within the last month, when the risks of running on the river have increased so much that Your Memorialists would either have to lay up their boats or charge such an additional rate as would cover the extra risk; the causes of this risk at the low stage of water on Fraser River are patent to your Excellency.

The protection that Your Memorialists pray for is only for a temporary period to enable us to consolidate our enterprize and renders us independent of foreign capital. We ask Your Excellency to grant

to us the exclusive right to navigate with Steam Boats the Fraser and Harrison Rivers from New Westminster to Port Douglas and to Fort Hope for one year; Your Excellency to stipulate the rate of freight to be charged for conveying merchandize and passengers. Your Memorialists would respectfully state that they think that a fair compensation for the steamers would be as follows:—

Rates far too high.—J. D.

From 15th April to 15th November in the year the rate of freight from New Westminster to Fort Hope to be $25 per ton of 40 cubic feet, and for each passenger up $10 and for each passenger down $7; from the 15th November to the 15th April the rate on this route to be advanced on freight to $40 per ton; passengers at former rates. The rate of freight from New Westminster to Port Douglas to be $25 per ton of Forty cubic feet and so continue for the entire year; the charge for passengers on this route to be $10 upwards and $7 downwards. In consideration of the grant to us of the foregoing privilege, our companies bind ourselves to appropriate $1,000 in freight and passage monies to the Government towards the fund for the improvement of the navigation of Harrison River.

Rates far too high.

The Petitioners should undertake to confer benefits on the public equal to the privilege claimed, otherwise the Gov't could not undertake to grant exclusive rights of navigation.—J. D.

Hoping that Your Excellency will give the application of Your Memorialists a favorable consideration.

As in duty bound, Your Memorialists will ever pray.

SAML. PRICE & CO.,
JAS. N. THAIN,
*Agents of the Steamers "Governor Douglas" and "Colonel Moody."*

*Victoria, V.I., 31st October, 1859.*

---

*To His Excellency James Douglas, C.B.,*
*Governor of Vancouver Island and British Columbia, etc.*

MAY IT PLEASE YOUR EXCELLENCY:

As General Superintendent of Wesleyan Methodist Missions in these Colonies, I beg leave to apprize Your Excellency that a Wesleyan Missionary has been for some time past stationed at Queenborough, B.C., and that we are anxious to have a Church and Parsonage erected as early as practicable, as also to secure suitable premises for similar edifices in another part of the Town at an early future period.

With the concurrent opinion of the Commissioner of Crown Lands in British Columbia as to their suitability, I have selected Lots Nos. 5 and 6 in Block 25, and Nos. 1 and 2 in Block 32, and respectfully pray that Your Excellency will grant the said Lots for our Church purposes, and give the requisite instructions to the Crown Lands Department for the conveyance of the same.

I have the honour to be,
Your Excellency's obdt Servt

EPHM. EVANS.

*Victoria, May 27, 1859.*

NOTE.—Referred to Attorney-General, His Excellency being very desirous donating the Lots mentioned for the purpose described.

By His Excellency's Command.

WILLIAM A. G. YOUNG,
*Act. Col. Sec.*

---

ATTORNEY-GENERAL'S OFFICE,
15th November, 1859.

SIR,—I have the honor to direct your Excellency's attention to the claim made by the purchasers of town lots at New Westminster with regard to the promised grading of that town. I am informed that in June last a promise was made by Mr. Franklin at the sale of the town lots in question that the streets of New Westminster should be immediately graded. The Chief Commissioner of Lands and Works authorized the promise and on the faith of such promise a great number of people invested largely. In the month of August or September last the Chief Commissioner of Lands and Works, upon the occasion of an interview upon the subject, where your Excellency, the Judge of British Columbia, the Colonial Secretary, and I were present, promised that the grading should be proceeded with immediately and completed within a limited time, which has long since elapsed; and that upon a completion he would report to your Excellency. (In pursuance of my duty as Your Excellency's official legal adviser, I had to call your Excellency's attention in the month of August last to the subject in question in consequence of threatened proceedings on behalf of lot-holders with a view to recover from Her Majesty's Government the purchase-money paid on such town lots and in respect of which a writ of right had been demanded of me.) I am informed

that the grading has not been carried out and that no report of the character promised has been made to your Excellency.

I must most respectfully direct your Excellency's attention to the facts that the lot-holders had an undoubted right to the performance of the promise in question within a reasonable time; that such reasonable time has long since elapsed; that under the circumstances I am bound to give my sanction to any proposed action against the Government; that such action would in all probability be successful and may be shortly anticipated; and that your Excellency is responsible for the consequences of any such action notwithstanding any instructions which you may have given. I would therefore respectfully suggest that some further action should be taken in the matter which may (so far as possible) save Her Majesty's Government from proceedings which would be of an injurious and discreditable character.

I have the honor to be,
Sir,
Your obedient servant,

GEORGE HUNTER CARY,
*Attorney-General, British Columbia and Vancouver's Island.*

*His Excellency the Governor.*

# INDEX.


PAGE.

Allard Ovid ..... 9
American Bar .....6, 94, 112
Anderson, Alexander Caulfield.....4, 19
Ballou's Express .....25, 80
Assize Clerk, proposed appointment .....41–43
Ballou's Express .....25, 80
Bedford, C. J. N. ..... 65
Begbie, Matthew Baillie, correspondence ..... 23
Bevis, William Henry.....32, 80
Brew, Chartres ..... 27
—— Correspondence ..... 60
British Columbia, Birthday of the Colony ..... x.
Bushby, Arthur T. ..... 48
Canoe Country ..... 17
Cary, George Hunter ..... 123
Champlain, Erastus ..... 109
China Bar ..... 104
Coe, Joe ..... 51
"Colonel Moody," steamer .....ix., 120
Cornish Bar ..... 7
Court, charges of costs of ..... 18
Court House at Fort Yale..... 13
Cox, William George ..... 79
Cross Bar ..... 104
Donnellan, B. .....11, 76
Douglas, Governor, address at Yale 1
Douglas Portage ..... 114
Dutch Bar ..... 104
Elwyn, Thomas ..... 79
Emerson, Charles ..... 13
Emory's Bar .....14, 114
"Enterprise," steamer .....ix., 25
Evans, Rev. E. ..... 121
Fargo's Bar ..... 103
Fifer, Dr. M. W. .....4, 69, 90
Fort Dallas District ..... 68
"Forks" of the Thompson River.. 67
Foster, Joseph ..... 4
Foster, William ..... 56
Freight rates, steamer ..... 121
French Bar ..... 113
"Governor Douglas," steamer..... ix., 43, 120
Golledge, Richard ..... 19
Grand Jury at Langley..... 43
Grant, Capt. J. M. ..... 25

PAGE.

Hartwell, William ..... 13
Hawley, I. C. ..... 16
Haynes, John Carmichael ..... 62
Hicks, R., appointment ..... x.
Hicks, Richard ..... 29
—— Charges against ..... 73
—— Correspondence ..... 3
Hickson, police officer ..... 15
Higon Bar ..... 104
Hill's Bar ..... 114
Hopetown ..... 34
Island Bar ..... 103
Italian Bar ..... 103
Jones, George ..... 43
Jones, George Harrison ..... 13
Justices of the Peace, powers of.... 40
—— Oath ..... 42
Kanaka Bar .....68, 103
King's mining claims ..... 6
Kirby, William .....4, 57
Land, Fleming & Co. ..... 109
Landeau Bar ..... 113
Lewis, Herbert George ..... 24
Licences ..... 24
Liquor licences .....31, 88
London Bar ..... 114
Lumber prices ..... 52
McGowan, "Ned".....iv., x., 10, 14, 25
—— "Ned" McGowan War.....xiii., 54
MacHenry, John, mining claims..... 6
McKay's mining claim ..... 6
Maddison Bar ..... 104
"Maria," steamer .....ix., 45, 47
Mayne, R. C. ..... 24
Miller, Isaac C., murder of ..... 3
Mining bars, location of ..... xvi.
Mining licences and fees..... 8, 21, 87, 111, 113
Moody, Colonel R. C., arrival.....3, 20
—— As Lieutenant-Governor ..... 31
Moor, William ..... 96
"Ned" McGowan. *See* McGowan.
Neil, Mathias ..... 13
New Westminster, grading of streets 122
New York Bar Creek ..... 14
Niagara Bar ..... 113
Nicaragua Bar ..... 104
Nicol, Charles Samuel ..... 45

PAGE.

Ogilvy, H.B. Co. officer ..... 26
Ohio Bar ..... 118
"Otter," steamer ..... 65
Palmer, Joel ..... 18
Passenger rates on steamers ..... 121
Pearkes, George ..... 27
Perrier, George ..... x., 26
Pest, Henry, imprisoned for murder 3
"Phoenix," newspaper ..... xv.
Piket Bar ..... 104
Police Force, establishment of..... 61
"Plumper," H.M.S. ..... 24, 64
Population, mining, in 1858–59..... xvi.
Postal Service ..... 12, 80
Pre-emption Proclamation, first..... 15
Price, Samuel & Co. ..... 121
Prince Albert Flats ..... 5, 117
Prison at Fort Yale ..... 13
Puget Sound Bar ..... 112
Putman's Bar ..... 103
Queenborough ..... 46
Resolutions at meeting of miners at Yale ..... 29
"Recovery," brig ..... 13
Rice, Bernard ..... 34, 56
Richards, Capt. ..... 65
Robson, Rev. Ebenezer ..... 52
Ronaldson, Thomas ..... 96
Rosey Bar ..... 113
Sailors Bar ..... 104
Sanders, E. H. ..... 106
"Santa Clara" Bar ..... 6
Sawmill, Fort Yale ..... 109

PAGE.

"Seabird," steamer ..... ix.
Severe's mining claim ..... 6
Siwash Bar ..... 103
Smith, Robert T. ..... x., 26
Snyder, W. ..... 17
Spuzzum Bridge ..... 15
Steamboat rates ..... 121
Strawberry Island ..... 7, 113
Sufferances to American steamers ix.
"Umatilla," steamer ..... ix.
Tennent, G. ..... 57
Texas Bar ..... 113
Thain, James N. ..... 121
Trade licences ..... 24, 50
Travaillot, O. ..... x., 21, 67
Trial of Jones and Niel ..... 43
Tugo, Dr. H. A. ..... 51
"Ubiquitous," newspaper ..... xv.
"Umatilla Snag" ..... 26
"Umatilla," steamer ..... ix.
Union Bar ..... 118
Victoria Bar ..... 113
Vigilance Committees ..... ix.
Walker, Donald ..... 103
Wallace, Herman ..... 13
Washington's Birthday celebration 84
Way, W. ..... 18
Wesley Church, Queenborough..... 121
Whannell, P. B. ..... xiv., 16, 29
Whatcom Trail ..... 79
Wright, Capt. Thomas ..... 25, 27
York, Thomas ..... 14
Young, William A. G. ..... 19, 70

VICTORIA, B.C.:
Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1926.

SP
F
5323.1
H6
C.3

AGP-2011
013301

Eiran "Izabre" Harris