PART 3: BRITISH COLUMBIA: A BRIEF HISTORY

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The Gold Rush

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The Hudson's Bay Company [HBC] lost its exclusive trading rights in 1846 in its Columbia District south of the 49th parallel. It retained exclusive trading rights in the District of New Caledonia and in what was left of the District of Columbia north of the 49th parallel.

In 1849 the Company contracted with the British government to create a colony on Vancouver Island; on the Mainland, however, things were expected to remain unchanged, at least until 1859 when its exclusive trading rights to the region were to expire.

In 1849 the British government appeared to have little interest in the region of the Pacific North West over which it claimed sovereignty. The population of the Colony of Vancouver Island and of the Mainland remained predominately aboriginal. The small non-aboriginal population was comprised mainly of Hudson's Bay Company men and its employees—Europeans and Hawaiians, or "Kanakas," as they were called. In 1855 the first census taken in the new colony counted less than 1000 non-aboriginal inhabitants on the Island. And on the Mainland where the Hudson's Bay Company intended to maintain its trading monopoly, settlers were discouraged.

Nevertheless, Great Britain did not intend to abandon its claim to the region for it did not want the region to fall under the control and sovereignty of the United States. In the region south of the 49th parallel—once the trading preserve of the Hudson's Bay Company—the westward expansionist policy of the United States witnessed an ever-increasing flood of settlers.

> ***He enforced it by having a Royal Navy warship patrol the mouth of the Fraser River.***

To maintain its presence, Britain had created the Colony of Vancouver Island and established a naval station at Esquimalt for its Pacific Fleet. This naval station proved useful in 1854 at the outbreak of the Crimean War between Great Britain and Russia and served to protect and influence Britain's trading opportunities in the Far East.

The Mainland, however, remained under the trading monopoly of the Hudson's Bay Company, with James Douglas in charge as the Company's Chief Factor. Until the Gold Rush of 1858, few changes took place on the Mainland. In the early 1850s, gold had been found in various areas by local aboriginal inhabitants. The Company attempted to keep this news from spreading; news, however, trickled out to the outside world. In 1857 Douglas, fearing the consequences of an invasion of gold seekers, acted to protect Britain's interests in the Mainland. He proclaimed British authority over any gold deposits on the Mainland and required every miner to obtain a mining licence at Victoria.

He had no authority to do this for he was Governor only of the Colony of Vancouver Island. Nevertheless, the Colonial Office in London approved his action when it realized he had acted not to protect the Company's trading monopoly to the Mainland but to protect British interests in the region. In fact, the proclamation was based on the official British practice in the Australia Gold Rush of 1851.

In 1858 news of rich gold discoveries in the Mainland of British Columbia reached California where large companies who had squeezed out the little miner now controlled the goldfields. The news triggered a stampede of people flocking to British Columbia with the dream of finding riches and wealth in the new El Dorado.

In an attempt to maintain control and to enforce British sovereignty to the region, Douglas issued a proclamation making Victoria the sole legal port of entry for miners and threatened to enforce it by confiscating any goods not entering through Victoria. He enforced it by having a Royal Navy warship patrol the mouth of the Fraser River. Plus, the land route to the Interior of the Mainland via the HBC's old brigade trail northward from Fort Vancouver was blocked by hostilities between the US Army and Indians in Washington Territory.

The First Nations people objected to being forced to give up their lands to satisfy the aggressive land settlement policies being implemented by the newcomers. As a consequence, most gold seekers chose to travel to the goldfields by way of Victoria, although some new towns did spring up in Washington Territory as points of departure for the goldfields—Port Townsend, Bellingham, and Semiahmoo. The majority of newcomers to the Mainland were Americans. Not all were miners; many were traders and merchants. Most, though, were eager to make the region part of the United States.

Therefore, the discovery of gold in 1858 forced Great Britain to assert its control over the Mainland by creating the Colony of British Columbia. It also marked the beginning of the end of the Hudson's Bay Company's dominance in the region.

The actual numbers of people who poured into the region will never be known. According to Jean Barman in *The West Beyond the West. A History of British Columbia* (University of Toronto Press, 1991), at page 66, approximately 30,000 people entered British Columbia in 1858. Imagine the impact on the inhabitants, the vast majority being First Nations. This flood of humanity disrupted the normal life of both First Nations peoples and the HBC. Victoria was transformed overnight—large numbers of people of different nationalities and races arrived on their way to the goldfields on the Mainland—a multicultural and multiracial society in 1858. People of all races and creeds came in search of their dreams.

According to Margaret Ormsby, in *British Columbia: a History* (Macmillan Company, 1958), at page 141, 225 new buildings were constructed in Victoria in a six-week period. General stores sprung up to supply the flood of prospectors eager to become equipped and be on their way across the Straight of Georgia to the Mainland. The demand for land in Victoria was so great, the old fort was demolished to accommodate the growth. Victoria was being transformed into a busy commercial centre.

On the Mainland the first diggings were on the sandbars on the Fraser River below Fort Hope. Initially gold was found in the sand and gravel of the rivers and was extracted either by panning or with a rocker cradle or sluice box. Then the search moved upstream; makeshift towns of shacks and tents sprang up at Yale, Boston Bar, and Lytton. The cost of supplies soared the further upriver the diggings moved. Money was available to purchase the expensive general goods and pay for the vices—gambling, whisky, and women—that saloons and bars provided for men with the currency of gold dust and nuggets.

By mid-1858 the British Government finally woke up to what was happening and realized it must take action—otherwise the region would be lost to the United States. American miners formed miners' committees and were demanding the same rights they had in California. The United States government sent out a special gold commissioner to the goldfields to write a report on how its citizens were being treated by the authorities.

In his report the commissioner indicated that in his opinion, it was inevitable that the region would become part of the United States (see Barman, page 69). In many people's eyes, it was a foregone conclusion and would have already occurred except for the hostilities between the First Nations peoples and the United States in Washington Territory—a territory created in 1853, north of the Columbia River and south of the 49th parallel—that had slowed the flood of American settlers into the territory. These hostilities resulted from an aggressive settlement policy by the authorities that basically ignored the land rights of the Indians in the territory.

Sir Edward Bulwer Lytton, Colonial Secretary in the British government, faced with the crisis created by the gold rush, introduced a bill in the House of Commons in the summer of 1858 to create the Colony of British Columbia. The gold rush also gave the Government an excuse to end the trading monopoly of the HBC that was to expire in 1859 and to open the area to free trade, a policy Great Britain now officially espoused.

The Company's trading monopoly had become a serious irritant to the new settlers in the colony on the Island and to American traders; this created political problems with the United States. Douglas had alienated American traders by prohibiting their boats from navigating the Fraser River without a licence from the HBC. He also prohibited the sale of spirits, arms, and ammunition.

Initially the new Colony was to be named New Caledonia, the name given by the HBC to the northern district on the Mainland. But the French had given that name to some of its islands in the South Pacific. Columbia, the name of the southern district, was the name of a region of South America. Queen Victoria solved the problem by suggesting the addition of British to Columbia and the new Colony of British Columbia came into existence.

The Queen Charlotte Islands were to be included in the boundaries of the new Colony, but Vancouver Island was to remain a separate colony until 1866 when the two colonies united as the single Colony of British Columbia.

Who was to be the new governor of the Colony of British Columbia? Lytton, who had been suspicious of Douglas's loyalties to the HBC, recognized the efforts Douglas had taken to maintain British sovereignty over the Mainland and to maintain order and stability in the region. Therefore, James Douglas was appointed the Governor if he resigned his position as Chief Factor of the HBC. Douglas agreed to this condition but asked for a larger salary if he were to be Governor of two Colonies. Lytton agreed.

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On November 19, 1858, the colonial government of the Colony of British Columbia was installed at Fort Langley, the provisional capital. It rained that day. The Colony of Vancouver Island had an elected legislative assembly and an appointed council. The Governor of the Colony of British Columbia, however, had the right to rule by decree—not surprising, when the majority of the non-aboriginal population was not only transient but also non-British.

In 1858 James Douglas ended a 37-year association with the Hudson's Bay Company. Imagine the changes that had occurred in British Columbia since he first arrived as a young trader. He had risen to the top rank in the Company and in the service to the Crown. Her Majesty, Queen Victoria, recognized his achievements by conferring on him the distinction of Companion of the Order of the Bath. James Douglas was now Sir James. But not all the colonists held Douglas in high esteem.

At this time, young and professional Englishmen arrived in the Colony and some brought with them the worst of the English class system, namely that a person was judged on the basis of his or her class rather than his or her achievements and personal qualities. Victoria came to be known as the town of three estates—"nobs, snobs, and flunkies" (Ormsby, page 143). Douglas may have been Governor of the Colonies but in some eyes, he and his family could never be accepted as social equals because of their ancestry.

Others would not accept Douglas because he represented the power of the Hudson's Bay Company and its control over trade and land in the Victoria area. A keen opponent of Douglas and the Council governing affairs was a Canadian from Nova Scotia who had arrived in Victoria via California where he changed his name from Bill Smith to Amor De Cosmos, journalist.

Many in Parliament in London were not happy about taking on the responsibility for these two colonies for a couple of reasons. One, the administration of the colonies threatened to be expensive even though they were expected to pay their own way and two, their establishment threatened to bring Britain into conflict with the imperialistic policy of Manifest Destiny espoused by the United States.

The alternative was to cede the region to the United States and this Great Britain was not willing to do. Lytton, to support Douglas's administration of the Colony, decided to send a detachment of Royal Engineers to the region to build a communications system, survey town sites, and provide military protection. In 1859 Colonel Richard Moodie arrived with this detachment to carry out the engineering tasks of opening up the country.

Also sent out from Britain were several other civil officials, most notably

Judge Matthew Baillie Begbie (see David R. Williams' book, …*The Man For A New Country, Sir Matthew Baillie Begbie* (Gray's Publishing). Judge Begbie was appointed Judge of British Columbia to enforce English law in the new colony. For on November 19, 1858, the civil and criminal laws of England, "so far as they are not from local circumstances inapplicable, are in force in British Columbia" (see section 3, *Law & Equity Act*, RSBC 1996, c. 253).

Even before his investiture as Governor, Douglas had attempted to formulate a land policy for the new Colony. He had proposed that lands be surveyed and sold to make the colony self-supporting. Douglas had been told he could expect no financial assistance from the home government.

In 1858 Douglas arranged for lots, 64 by 120 feet, to be surveyed in the town sites of Fort Langley, Fort Hope, and Fort Yale. They were sold at public auction with an upset price of $100. (Note: At this time the British pound was the currency of Britain; British Columbia used pounds, shillings, and pence until 1866.)

The first public auction of land took place in November 1858; some lots in Fort Langley sold for $725 (see Robert E. Cail, *Land, Man, and the Law. The Disposal of Crown Lands in British Columbia, 1871 – 1913*, The University of British Columbia, 1974, at page 7). The terms of sale were 10 percent down with the remainder to be paid in one month.

An advantage of selling lands at public auction was that it prevented the allegation of favouritism in the sale of public lands. Douglas was continually being accused by his political enemies of favouring the HBC in his land dealings.

As Cail, page 7, points out, there was not the slightest evidence that Douglas ever displayed any favouritism.

The lots in Fort Langley were bought by speculators in the expectation that Fort Langley would be the new capital. But Colonel Moodie determined that Fort Langley was on the wrong side of the Fraser River in the event of invasion from the south. Queensborough, later renamed New Westminster by Queen Victoria, was chosen to be the capital.

As the euphoria of the gold rush peaked and some miners decided to settle as homesteaders, land laws had to be enacted. Governor Douglas was faced with enacting, administering, and enforcing new laws. The Colony encompassed a vast region, where communication was difficult and slow. In 1859 a Proclamation was enacted dealing with public lands in which the constitutional right of the Crown to all lands and mines and minerals was recognized. It also set out for the sale of lands at public auction.

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Initially only surveyed land was to be sold; it was, however, impossible to survey sufficient land to meet the demand. To meet the demand and hasten settlement, the occupation of unsurveyed lands was authorized. A settler was given a "pre-emptive right" to occupy up to 160 acres.

Before title could be granted under a Crown grant, the settler was required to occupy and improve the land and pay the price of 10 shillings an acre when the land was finally surveyed. Once the Crown grant was issued, the settler could purchase any additional amount of surveyed land at the market price. A person claiming land as a homesteader was required to make improvements within a specified period after he had made a pre-emption claim to the land. If he failed to make the improvements, the pre-emptive claimant would lose the land.

According to historian Robert E. Cail (at page 14), this principle of "beneficial use" came to apply to all types of claims, whether they were for land, mineral, or timber, and for water rights. It was designed to prevent speculation. Unfortunately in later years, officials did not strictly adhere to this principle. According to Cail, *ibid*, it appears that "fortunes both great and small were made, in defiance of the statute. From the 1860s until at least 1910, there was scarcely a public figure in British Columbia who did not acquire large holdings of agricultural, pastoral, or mineral lands."

One requirement, though, was that the person had to be a male British subject over the age of 18. But since many of the setters were Americans, the authorities granted naturalization to all who asked for it. An oath of allegiance was required. The difficulties faced by Douglas at this period were that there was no effective administrative machinery to enforce the laws and he had meager funds at his disposal.

Notwithstanding these difficulties, Cail, at page 1, concluded that Douglas's proclamations dealing with land laws "covered every major contingency that has arisen in the land policy of the province" and that if Douglas had continued in the role of leadership in British Columbia until after Union with Canada in 1871, few of the land problems that later plagued the province would have arisen.

What would have happened if the Gold Rush of 1858 had not occurred? Would British Columbia be a province of Canada today? Or would it be a state of the United States? In 1859 the HBC trading monopoly on the Mainland would have expired. Who or what would have stopped American settlers from moving northward from Washington Territory into the fertile agricultural regions of southern British Columbia? Would Great Britain have gone to war with the United States to retain the region as British?

Very unlikely, given its interest in the region and the fact there were few, very few, British settlers in the Mainland. The gold rush was the catalyst that created the situation where the leadership and loyalty to the Crown of one man—James Douglas—were responsible for retaining British sovereignty in the region.

Jean Barman, in *The West Beyond The West. A History of British Columbia*, at page 71, writes, "had the company not been in place, both as a fur-trading enterprise and as a nucleus of settlement, the outcome of the gold rush might have been very different. …The British Government had finally been compelled, by events not of its own making, to assume direct responsibility for a territory around which it had dallied, so to speak, for two-thirds of a century." Sadly, Sir James Douglas's role as the father of British Columbia has never been fully appreciated or recognized.

These early days in the history of British Columbia witnessed the introduction of Notaries in the colonies. Dr. Bernard W. Hoeter summarized the history of The Society of Notaries Public in British Columbia in an article published in *The Scrivener* in 1992 ("Birth of An Independent Society of Notaries," Vol. 1, pages 11 – 12). Dr. Hoeter is the author of a comprehensive history of Notaries Public, *Signed, Sealed and Delivered,* 1991.

In 1864 the Legislative Council recorded a motion requesting the Governor to appoint Notaries Public for the Colony of British Columbia. ▲

To be continued . . .

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