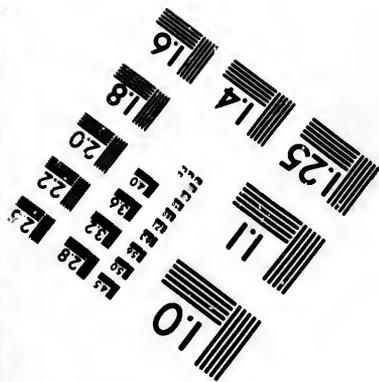
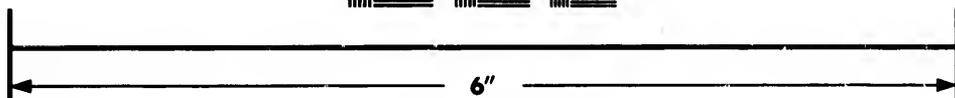
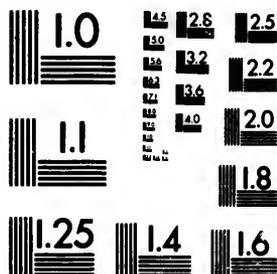


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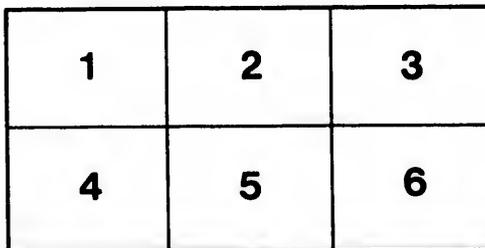
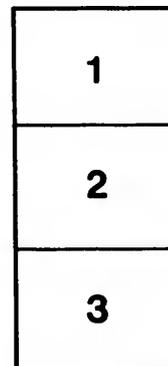
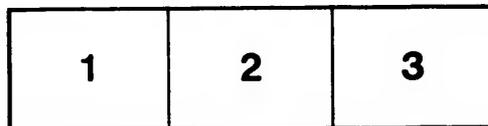
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BRITISH COLUMBIA.

P A P E R S

RELATIVE TO THE

AFFAIRS OF BRITISH COLUMBIA.

PART I.

COPIES of DESPATCHES from the Secretary of State for the Colonies to the Governor of BRITISH COLUMBIA, and from the Governor to the Secretary of State relative to the GOVERNMENT of the COLONY ; Also,

COPIES of the ACT OF PARLIAMENT to provide for the GOVERNMENT of BRITISH COLUMBIA ; GOVERNOR'S COMMISSION and INSTRUCTIONS ; ORDER IN COUNCIL to provide for the ADMINISTRATION of JUSTICE ; and INSTRUMENT revoking so much of the CROWN GRANT of 30th May 1838 to the HUDSON'S BAY COMPANY for exclusive TRADING with the Indians as relates to the Territories comprised within the Colony of BRITISH COLUMBIA.

Presented to both Houses of Parliament by Command of Her Majesty,
18 February 1859.



L O N D O N :

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
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1859.

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DOCUMENTS REFERRED TO IN THE FOLLOWING DESPATCHES:

"An Act to provide for the Government of British Columbia" - - - - -	1
Letters Patent appointing James Douglas, Esq., Governor and Commander-in-Chief of British Columbia and its Dependencies - - - - -	4
Instructions to Governor Douglas - - - - -	5
Order in Council empowering the Governor to make Laws, and to provide for the Administration of Justice - - - - -	8
Instrument revoking so much of the Crown Grant of 30th May 1838 to the Hudson's Bay Company for exclusive Trading with the Indians as relates to the Territories comprised within the Colony of British Columbia - - - - -	9

DESPATCHES FROM GOVERNOR DOUGLAS TO SECRETARY OF STATE.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	May 19, 1858 (23.) -	COUTEAU GOLD MINES. ENCLOSURES PROCLAMATION FOR CHECKING INFRINGEMENT OF CUSTOMS' LAWS. NAVAL FORCE will be furnished by Captain Prevost. Americans endeavouring to force a passage through their own Territories by way Columbia River - - - - -	11
2	June 10, 1858 (24.) -	REPORT OF VISIT TO FALLS OF FRASER'S RIVER. From information collected, is of opinion that the whole country eastward of Gulf of Georgia, as far north as Johnston's Straits, as well as Fraser's River, is one continued bed of Gold. Suggests opening the whole Country for Settlement. Measures for having a Surveying Staff in readiness. Seizure of Contraband Goods, and taking 16 unlicensed canoes into custody - - - - -	13
3	June 15, 1858 (25.) -	ENCLOSURES ADDRESS TO GOVERNOR FOR OPENING TRADE OF FRASER'S RIVER. States tenor of his Reply to it - - - - -	15
4	June 15, 1858 (26.) -	DISTURBANCE BETWEEN MINERS AND NATIVES AT "HILL'S BAR." REPORTS Measures he had adopted in consequence. ENCLOSURES "HAND BOOK AND MAP TO THE GOLD REGION" - - - - -	16
5	June 19, 1858 (28.) -	COUTEAU GOLD MINES. FURTHER REPORT AND SUGGESTIONS. Account of Gold collected by Hudson's Bay Company (10,000L) Instructions required regarding appointment of Collector of Local Dues - - - - -	17
6	July 1, 1858 (29.) -	COUTEAU GOLD MINES. Reports increased arrivals. Licence Fees collected, amounting to 12,625 dollars. Encloses Letter from M. Travaillot regarding richness of spot called "Golden Bar," being the first authentic Report of Gold being discovered in the Soil apart from the River bed - - - - -	19
7	July 26, 1858 (31.) -	REPORTS PUBLIC MEASURES ADOPTED FOR THE GOVERNMENT OF FRASER'S RIVER AND THE GOLD DISTRICTS. Regrets want of a permanent Force for Protection of Revenue. Appointments made - - - - -	22
8	August 19, 1858 (34.)	APPLIES FOR A MILITARY FORCE FOR THE GOLD DISTRICTS. Submits observations on the opening the Route by Harrison's River. Further particulars of the Gold Country. Encloses Map - - - - -	27

SCHEDULE.

Number in Series.	Date and Number.	SUBJECT.	Page.
9	August 27, 1858 (35.)	REPORTS INTENDED VISIT TO FRASER'S RIVER on account of Disturbances there, accompanied by Major Hawkins, with a small force of Sappers and Miners, and Marines -	29
10	August 30, 1858 (37.)	ENCLOSES COPIES OF INSTRUCTIONS ISSUED TO THE ASSISTANT GOLD COMMISSIONERS; also PROCLAMATION establishing HARBOUR REGULATIONS -	30
11	Sept. 9, 1858 (39.)	MEASURES TAKEN FOR MAINTAINING LAW AND ORDER. Reports steps taken to raise Funds for making Roads, supplying Food, &c. Observations respecting Licence Fees and Duty on Imports. Orderly conduct of the Mining Population - - - - -	33
12	Sept. 29, 1858 (40.)	GENERAL AFFAIRS OF THE COLONY. No undue favour shown to Servants of the Hudson's Bay Company. States intention to use caution in employing the Military and Naval Forces. American Population not in favour of the appointment of Americans as Magistrates or Crown Officers. Attention called to the Services rendered by Captains Prevost and Richards, of Her Majesty's Ships "Satellite" and "Plumper" - -	35
13	Sept. 30, 1858 (42.)	TRADE OF FRASER'S RIVER. The Instructions to allow only British Vessels to navigate Fraser's River without a Licence are in accordance with existing Regulations. States reasons for having given an extended application to the Rights of the Hudson's Bay Company to trade with the Indians, but will in future follow Instructions. Observations on Proclamation of 8th May, which has been virtually abrogated. Arrangement with Pacific Mail Steam Packet Company never carried into effect. Prepayment of Mining Licences and Head Money will be discontinued - - - - -	36
14	Oct. 11, 1858 (43.)	MEANS OF RAISING A REVENUE. States reasons for having adopted the system of Mining Licences. Prefers adoption of the views contained in Sir E. B. Lytton's Despatch, No. 6, of the 31st July, of levying Import Duties. Anticipates beneficial results from Land Sales. The Surveyor-General has been instructed to lay out Three Town Sites. Will attend to Instructions as to employment of Royal Engineers and Police. Condition of Native Indians - - - - -	37

DESPATCHES FROM SECRETARY OF STATE TO GOVERNOR DOUGLAS.

1	July 1, 1858 (Confidential.)	NAVAL OFFICERS AT VANCOUVER'S ISLAND will be directed by Admiralty to afford ASSISTANCE, but suggests caution in employing Military or Naval force - - - - -	41
2	July 16, 1858 (4.)	DISALLOWS PROCLAMATION ISSUED BY THE GOVERNOR. Navigation of Fraser's River above the mouth open to British vessels only. Foreign vessels must be licensed. Not to use powers entrusted to him in maintenance of the interests of the Hudson's Bay Company. Disapproves of terms proposed to Pacific Mail Company. Alterations of certain terms required - - - - -	42
3	July 16, 1858 (Confidential.)	GOVERNMENT OF NEW COLONY OFFERED TO HIM CONDITIONALLY on ultimately disconnecting himself from Hudson's Bay Company. Salary 1,000 <i>l.</i> , to be paid, for the present, out of a Parliamentary vote - - - - -	43
4	July 30, 1858 (5.)	PROPOSE SENDING AN ENGINEER OFFICER with two or three subalterns and a COMPANY OF SAPPERS AND MINERS CONSISTING OF 150 MEN. Requests that arrangements may be made for their reception. Officer in command will be provided with general instructions, copy of which will be forwarded - - - - -	44

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Number in Series.	Date and Number.	SUBJECT.	Page.
5	July 31, 1858 (Confidential.)	MUST RELINQUISH ALL CONNEXION WITH THE PUGET SOUND COMPANY as well as the Hudson's Bay Company if he accept the office of Governor. If it should not conduce to his interests to disconnect himself, his claims to enter the service of the Crown in the Colonies, should he desire it, will not be overlooked by Her Majesty's Government -	44
6	July 31, 1858 (6.)	GENERAL INSTRUCTIONS. SUGGESTS that moderate duties on beer, wine, spirits, &c., preferable to the imposition of licences, for the purpose of raising an immediate Revenue. Also disposal of public lands for the same purpose. Desirable that a site for a Seaport Town should be decided on. The general views of the Immigrants to be ascertained. Parliament will lend its assistance in the early establishment of the Colony, but expects that it will shortly become self-supporting. General policy to be that Representative Institutions and self-government should prevail. Royal Engineers to survey those parts suitable for settlement, and to suggest a site for seat of Government; also as to roads, &c. Imperial Government will maintain engineers only for a limited period. If further required Colony must defray the cost. Surveys of land for private individuals to be included in price paid for the property. Engineers sent for scientific purposes, and not solely for Military objects. Inspector of Police will be sent for the formation of a Police Force. To consider the best means of dealing with the Native Indians. Interests of the Natives to be carefully guarded; and attention to be given to the best means of diffusing the Christian Religion. Friendly communications, as to the best means of securing the peace of the Colony, to be made with American and other Immigrants. Suggests whether among the British and Foreign Immigrants persons can be found to form a "Council of Advice." Requests an early reply on these several topics -	44
7	August 14, 1858 (7.)	TRANSMITS "ACT TO PROVIDE FOR THE GOVERNMENT OF BRITISH COLUMBIA" -	46
8	August 14, 1858 (8.)	FURTHER GENERAL INSTRUCTIONS. APPROVES various appointments and measures taken for raising a Revenue by Customs, also the payment of Mining Licence Fees. Revocation of Hudson's Bay Company's Licence. Revenue derived to be expended on the necessary expenses of the Colony. His Salary to be paid by Imperial Government. Measures to be taken for the transmission of letters and levying postage. Staff of Surveyors already engaged in Vancouver's Island to prepare the way for the arrival of the Surveyor General. Future Government of Colony. Information required on various subjects -	47
9	August 14, 1858 (9.)	INFORMATION REQUIRED AS TO DISPOSAL OF LAND. GENERAL DIRECTIONS as to its disposal. Enjoined not to show favour to the servants of the Hudson's Bay Company -	49
10	September 1, 1858 (Separate.)	DEPARTURE OF ROYAL ENGINEERS. Introducing Captain Parson's in command of twenty officers and men. Desired to afford every assistance to enable him to commence operations in anticipation of arrival of Colonel Moody, R.E., to whom he is to afford every accommodation -	50
11	Sept. 2, 1858 (1.)	TRANSMITS QUEEN'S COMMISSION APPOINTING HIM GOVERNOR AND COMMANDER-IN-CHIEF, together with the ROYAL INSTRUCTIONS -	50
12	Sept. 2, 1858 (2.)	FORWARDS ORDER IN COUNCIL making provision for the ADMINISTRATION OF JUSTICE -	50
13	Sept. 2, 1858 (3.)	TRANSMITS REVOCATION OF THE CROWN GRANT OF THE 30th MAY 1838 TO THE HUDSON'S BAY COMPANY, so far as it embraces the Colony of British Columbia -	51
14	Sept. 2, 1858 (5.)	NAVAL ASSISTANCE. Transmits copy of correspondence with the Admiralty -	51

SCHEDULE.

Number in Series.	Date and Number.	SUBJECT.	Page.
15	Sept. 2, 1858 (6.)	NAVAL ASSISTANCE. Instructions have been sent to Rear-Admiral Sir M. Seymour to despatch Her Majesty's ship "Tribune" with as many Marines as can be spared. Apprises him that the Admiral was instructed in May last to send Her Majesty's ships "Pylades" and "Amethyst" to the Pacific Station as soon as their services in India and China should be no longer required. The ships to go in the first instance to Vancouver's Island	52
16	Sept. 2, 1858 (7.)	MILITARY AID. Transmits correspondence with War Office relative to sending Royal Engineers under Colonel Moody, who is also appointed Commissioner of Lands and Works. COPY OF INSTRUCTIONS ADDRESSED TO COLONEL MOODY. An officer and twenty men will be despatched, via Panama, on the 2d Oct.	52
17	Sept. 2, 1858 (8.)	ALL EXPENSES OF THE ENGINEER FORCE TO BE DEFRAIDED BY THE COLONY OUT OF LAND SALES in consequence of information received (since Despatch No. 6. was written) that there was an early prospect of raising a large Revenue	56
18	Sept. 2, 1858 (9.)	POSTAL ARRANGEMENTS. Transmits copies of correspondence with the Treasury on the subject of	56
19	Sept. 2, 1858 (12.)	Transmits letter from ABORIGINES PROTECTION SOCIETY INVOKING PROTECTION for their people. Desires attention to it, but does not adopt the Society's views as to how this is best accomplished	58
20	Sept. 2, 1858 (13.)	STATES THAT THE SOCIETY FOR THE PROPAGATION OF THE GOSPEL PROPOSES SENDING ONE OR TWO MISSIONARIES. One will sail on the 15th Oct.	60
21	Sept. 2, 1858 (14.)	ENCLOSES LETTER TO COLONEL MOODY ON THE SUBJECT OF GRANTING LAND, ON CERTAIN CONDITIONS, to the NON-COMMISSIONED OFFICERS AND MEN OF THE ROYAL ENGINEERS. REPORT AND OPINION REQUIRED AS TO REMISSIONS, ON THE PURCHASE OF LAND, TO RETIRED OFFICERS OF THE ARMY AND NAVY. Requests Lists of Officers to be sent from England, with Civil Situations, also Rates of Pay. To Report by every opportunity on all matters of interest	60
22	Sept. 2, 1858 (16.)	DEFINING GOVERNOR'S LEGAL POSITION AND NATURE OF IMMEDIATE DUTIES UNDER EXISTING CIRCUMSTANCES	61
23	Sept. 2, 1858 (17.)	JURISDICTION OF THE HUDSON'S BAY COMPANY. Encloses copy of correspondence with Foreign Office regarding certain queries addressed to Her Majesty's Minister at Washington by the Pacific Mail Steam Packet Company on the subject of	63
24	Sept. 2, 1858 (Separate.)	SUGGESTS APPOINTMENT OF GOLD COMMISSIONERS with the powers of Magistrates; also POLICE FORCE	65
25	Sept. 16, 1858 (20.)	APPROVAL OF THE PUBLIC MEASURES ADOPTED. THANKS TO OFFICERS OF HER MAJESTY'S SHIPS "SATELLITE" AND "PLUMPER." GENERAL INSTRUCTIONS and approval of various appointments	65
26	Sept. 23, 1858 (22.)	TRANSMITS WARRANT APPOINTING COLONEL MOODY "CHIEF COMMISSIONER OF LANDS AND WORKS"	66
27	Sept. 24, 1858 (25.)	COLONEL MOODY TO HOLD DORMANT COMMISSION AS LIEUTENANT GOVERNOR	67
28	Oct. 11, 1858 (29.)	JUDGES' SALARY fixed at 800L	67
29	Oct. 14, 1858 (Confidential.)	ACKNOWLEDGES RECEIPT OF REGULATIONS ISSUED FOR MANAGEMENT OF GOLD FIELDS, AND PROCLAMATION ESTABLISHING HARBOUR REGULATIONS, &c. Statement of views as to these Regulations	67

SCHEDULE.

Number in Series.	Date and Number.	SUBJECT	Page.
30	Oct. 16, 1858 (30.) -	RECAPITULATES STEPS TAKEN WITH REGARD TO NAVAL, MILITARY, AND POLICE ASSISTANCE. Announces further reinforcements despatched. Views as to their employment. Only to be resorted to when other means prove insufficient. Estimate of Revenue requested. Trusts a Police Force will soon be established. Expression of approval of conduct -	69
31	Oct. 16, 1858 - (Private.) -	ROYAL ENGINEERS ONLY TO BE EMPLOYED IN SURVEYING on account of expense - - - -	71
32	Oct. 19, 1858 (32.) -	ENCLOSES LETTER FROM THE ARCHBISHOP OF CANTERBURY, ANNOUNCING ENDOWMENT OFFERED BY MISS BURDETT COUTTS FOR THE FOUNDATION OF A SEE, and Reply thereto - -	72
33	Nov. 1, 1858 (35.) -	ENCLOSES INSTRUCTIONS ADDRESSED TO COLONEL MOODY - - - - -	73

A P P E N D I X.

- No. 1. MAP showing the different Routes of Communication with the Gold Regions on Fraser's and Thompson's Rivers - - - - - 78
- No. 2. HAND BOOK to the Gold Regions, by A. C. Anderson, late Chief Trader, HUDSON'S BAY COMPANY'S SERVICE - - - - - 79

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Papers relating to British Columbia.

BRITISH
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No. 1.

No. 1.

COPIES of the ACT of PARLIAMENT to provide for the GOVERNMENT of BRITISH COLUMBIA; GOVERNORS' COMMISSION and INSTRUCTIONS; ORDER in COUNCIL to provide for the ADMINISTRATION of JUSTICE; and INSTRUMENT revoking so much of the CROWN GRANT of the 30th May 1838 to the HUDSON'S BAY COMPANY for exclusive TRADING with the INDIANS as relates to the Territories comprised within the Colony of BRITISH COLUMBIA.

ANNO VICESIMO PRIMO & VICESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. XCIX.

An Act to provide for the Government of British Columbia.

[2d August 1858.]

WHEREAS divers of Her Majesty's subjects and others have, by the licence and consent of Her Majesty, resorted to and settled on certain wild and unoccupied territories on the north-west coast of North America, commonly known by the designation of "New Caledonia, and from and after the passing of this Act to be named "BRITISH COLUMBIA," and the islands adjacent, for mining and other purposes; and it is desirable to make some temporary provision for the Civil Government of such territories, until permanent settlements shall be thereupon established, and the number of Colonists increased: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. British Columbia shall, for the purposes of this Act, be held to comprise all such territories within the dominions of Her Majesty as are bounded to the south by the frontier of the United States of America, to the east by the main chain of the Rocky Mountains, to the north by Simpson's River and the Finlay Branch of the Peace River, and to the west by the Pacific Ocean, and shall include Queen Charlotte's Island, and all other islands adjacent to the said territories, except as herein-after excepted.

Boundaries of British Columbia.

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from time to time made, with the advice of Her Privy Council, to make, ordain, and establish, and (subject to such conditions or restrictions as to Her shall seem meet) to authorize and empower such officer as She may from time to time appoint as Governor of British Columbia to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

Her Majesty by Order in Council may make or provide for the making of laws for the government of Her Majesty's subjects and others in British Columbia.

III. Provided always, that it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such officer to constitute a Legislature to make laws for the peace, order, and good government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many persons, and to be appointed or elected in such manner and in for such periods, and subject to such regulations as to Her Majesty may seem expedient.

Her Majesty may establish a local legislature in British Columbia.

IV. And whereas an Act was passed in the forty-third year of King George the Third, intituled "An Act for extending the jurisdiction of the Courts of Justice in the provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces: And whereas by an Act passed in the second year of King George the Fourth, intituled "An Act for regulating the fur trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America," it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the province of Upper Canada should have the same civil jurisdiction, power,

Certain provisions of 43 G. 3. c. 118, and 1 & 2 G. 4. c. 56, as regards British Columbia repealed.

BRITISH
COLUMBIA.

and authority, within the Indian territories and other parts of America not within the limits of either of the provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the limits of the said provinces of Lower and Upper Canada respectively, and that every contract, agreement, debt, liability, and demand made, entered into, incurred, or arising within the said Indian territories and other parts of America, and every wrong and injury to the person or to property committed or done within the same, should be and be deemed to be of the same nature, and be cognizable and be tried in the same manner, and subject to the same consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said province of Upper Canada; and in the same Act are contained provisions for giving force, authority, and effect within the said Indian territories and other parts of America to the process and acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any person or persons to be and act as Justices of the Peace within such parts of America as aforesaid, as well within any territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian territories of such other parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from time to time, by any Commission under the Great Seal, to authorize and empower any such persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the trial of criminal offences and misdemeanors, and also of civil causes, and it should be lawful for His Majesty to order, direct, and authorize the appointment of proper officers to act in aid of such Courts and Justices within the jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation, or take cognizance of or try any civil action or suit in which the cause of such suit or action should exceed in value the amount or sum of two hundred pounds; and in every case of any offence subjecting the person committing the same to capital punishment or transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such offender should be brought, should commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the Court of the province of Upper Canada:

From and after the Proclamation of this Act in British Columbia, the said Act of the forty-third year of King George the Third, and the said recited provisions of the said Act of the second year of King George the Fourth, and the provisions contained in such Act for giving force, authority, and effect within the Indian territories and other parts of America to the process and acts of the said Courts of Upper Canada, shall cease to have force in and to be applicable to British Columbia.

V. Provided always, that all judgments given in any Civil Suit in British Columbia shall be subject to appeal to Her Majesty in Council, in the manner and subject to the regulations in and subject to which appeals are now brought from the Civil Courts of Canada, and to such further or other regulations as Her Majesty, with the advice of Her Privy Council, shall from time to time appoint.

VI. No part of the Colony of Vancouver's Island, as at present established, shall be comprised within British Columbia for the purpose of this Act; but it shall be lawful for Her Majesty, Her heirs and successors, on receiving at any time during the continuance of this Act a joint Address from the two Houses of the Legislature of Vancouver's Island, praying for the incorporation of that island with British Columbia, by Order to be made as aforesaid with the advice of Her Privy Council to annex the said island to British Columbia, subject to such conditions and regulations as to Her Majesty shall seem expedient; and thereupon, and from the date of the publication of such Order in the said island, or such other date as may be fixed in such Order, the provisions of this Act shall be held to apply to Vancouver's Island.

VII. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of British Columbia.

VIII. This Act shall continue in force until the 31st day of December 1862, and thenceforth to the end of the then next session of Parliament: Provided always, that the expiration of this Act shall not affect the boundaries hereby defined, or the right of appeal hereby given, or any act done or right or title acquired under or by virtue of this Act, nor shall the expiration of this Act revive the Acts or parts of Acts hereby repealed.

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LETTERS PATENT under the Great Seal appointing JAMES DOUGLAS, Esquire, to be Governor and Commander-in-Chief in and over the Colony of BRITISH COLUMBIA and its Dependencies.

BRITISH
COLUMBIA.

Letters Patent, dated 2d September 1858.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to Our trusty and well-beloved James Douglas, Esquire, greeting:

I. WHEREAS We deem it expedient, in pursuance of an Act passed in the twenty-second year of Our reign, intituled "An Act to provide for the Government of British Columbia," to make more particular provision for the Government of Our said Colony: Now know you, that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said James Douglas, of Our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you, the said James Douglas, to be, during Our will and pleasure, Our Governor and Commander-in-Chief in and over Our Colony of British Columbia and its Dependencies, and in and over all forts and garrisons erected and established, or to be erected and established, in Our said Colony of British Columbia, comprising all such territories as are bounded to the south by the frontier of the United States of America, to the east, by the main chain of the Rocky Mountains, to the north, by Simpson's River and the Finlay Branch of the Peace River, and to the west, by the Pacific Ocean, including Queen Charlotte Island and all other islands adjacent to the said territories, excepting from the said islands Our Island of Vancouver, until the said island shall, in pursuance of the said Act, be hereafter incorporated into Our said Colony.

II. And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust We have reposed in you, according to the several powers and authorities granted or appointed you by this Our present Commission and the Instructions herewith given you, or according to such further powers, directions, and authorities as shall at any time hereafter be granted or appointed you, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State, and according to such reasonable laws as are now or shall hereafter be in force in Our said Colony.

III. And whereas it has been appointed by Parliament that it shall be lawful for Us, by any Order or Orders to be by Us from time to time made, with the advice of Our Privy Council, to make, ordain, and establish, and, subject to such conditions and restrictions as to Us shall seem meet, to authorize and empower such officer as We may appoint to administer the Government of Our said Colony, to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Our subjects and others residing therein; and whereas We have, in pursuance of the said Act, by Our Order made by Us in Our Privy Council, bearing date this 2d instant, ordered, authorized, empowered, and commanded Our Governor of Our said Colony to make provision for the administration of justice in Our said Colony, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Our subjects and others residing therein, wherein the said Governor is to conform to and exercise the directions, powers, and authorities given and granted to him by Our Commission, subject to all such rules and regulations as shall be prescribed in and by Our Instructions under Our Signet and Sign Manual accompanying Our said Commission, or by any future Instructions, as aforesaid: Now We do, by this Our Commission, give and grant to you, the said James Douglas, full power and authority to constitute and appoint Judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary Officers and Ministers in Our said Colony and its Dependencies, for the due and impartial administration of justice and putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial matters.

IV. And We do by these presents further give and grant unto you, the said James Douglas, full power and authority, by Proclamation or Proclamations to be by you from

BRITISH
COLUMBIA.

time to time for that purpose issued under the Public Seal of Our said Colony, to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Our subjects and others residing in Our said Colony and its Dependencies: Provided that such laws, institutions, and ordinances are not to be repugnant, but, as near as may be, agreeable to the Laws and Statutes of Our United Kingdom of Great Britain and Ireland: Provided also, that all such laws, institutions, and ordinances, of what nature or duration soever, be transmitted under the Public Seal of Our said Colony for Our approbation or disallowance, as in Our said Order provided: And We do by these presents require and enjoin you that in making all such laws, institutions, and ordinances you do strictly conform to and observe the rules, regulations, and restrictions which are or shall be in that respect prescribed to you by Our Instructions under Our Royal Sign Manual and Signet accompanying this Our Commission, or by any future Instructions, as aforesaid.

V. And We do hereby authorize and empower you, the said James Douglas, to keep and use the Public Seal for sealing all things whatsoever that shall pass the seal of Our said Colony and its Dependencies.

VI. And Our further will and pleasure is, that all public monies raised, or which shall be raised by any Proclamation or Law hereafter to be made within Our said Colony and its Dependencies, be issued out by Warrant from you, and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed or appointed in and by such Proclamation or Law, and not otherwise.

VII. And We do hereby give and grant unto you, the said James Douglas, full power and authority to erect, constitute, and establish in Our said Island and its Dependencies, such and so many counties, townships, parishes, cities, boroughs, and towns as you shall judge necessary.

VIII. And We do hereby give and grant unto you, the said James Douglas, by yourself, or by your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command, and employ all persons whatsoever residing within Our said Colony and its Dependencies, and as occasion shall serve, them to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates, and rebels, both at sea and land, and to do and execute all and every other thing and things which to Our Governor and Commander-in-Chief doth and ought of right to belong.

IX. And We do hereby give and grant unto you, the said James Douglas, full power and authority, upon sufficient cause to you appearing, to suspend from the exercise of his office within Our said Colony and its Dependencies any person exercising any office or place under or by virtue of any Commission or Warrant granted or which may be granted by Us, or in Our name, or under Our authority, which suspension shall continue and have effect only until Our pleasure therein shall be made known and signified to you. And We do hereby strictly require and enjoin you in proceeding to any such suspension to observe the directions in that behalf given to you by Our Instructions under Our Signet and Sign Manual accompanying this Our Commission appointing you Governor of Our said Colony.

X. And We do hereby give and grant unto you, the said James Douglas, full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within Our said Colony and its Dependencies, a pardon, either free, or subject to lawful conditions, or any respite of the execution of any such offender for such period as to you may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us, but subject to the regulations and directions under Our Royal Sign Manual and Signet accompanying this Our Commission, or in any future Instructions as aforesaid.

XI. And whereas it is necessary to make provision for the execution of this Our Commission in the event of the death, incapacity, removal, or absence of you, the said James Douglas, from Our said Colony: We do hereby declare Our will and pleasure, that in any of the contingencies aforesaid the Government of Our said Colony shall be administered by Our Lieutenant-Governor of Our said Colony; or if there be no Lieutenant-Governor upon the place, by the person whom We may commission to administer the Government of Our said Colony; or if there should be no person so specially commissioned to administer the Government of Our said Colony, then by such person as you, by Warrant under your hand and seal, shall or may appoint to administer the Government of Our said Colony and its Dependencies, to all or either of which

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persons We do hereby give and grant all the powers and authorities vested in you by this Our Commission and the Instructions under Our Sign Manual and Signet accompanying the same: Provided, nevertheless, that if the exigencies of Our Service shall at any time require your presence in Our Island of Vancouver, you do continue to exercise all the powers and authorities hereby vested in you, as fully as if you were not absent from the limits of Our said Colony of British Columbia.

XII. And We do hereby require and command all Officers, Ministers, Civil and Military, and all other the inhabitants of Our said Colony and the territories depending thereon, to be obedient, aiding and assisting unto you, the said James Douglas, or in the event of your death, incapacity, or removal or absence from Our said Colony, to such person or persons as may, under the provisions of this Our Commission, assume and exercise the functions of our Governor and Commander-in-Chief in and over Our said Colony.

INSTRUCTIONS to Our trusty and well-beloved JAMES DOUGLAS, Esquire, Our Governor and Commander-in-Chief in and over Our Colony of British Columbia and of its Dependencies, or in his absence to Our Lieutenant-Governor or Officer administering the Government of Our said Colony and its Dependencies for the time being.

Given at Our Court at Osborne House, Isle of Wight, the 2d day of September 1858, in the twenty-second year of Our Reign.

I. With these Our Instructions you will receive Our Commission under Our Great Seal of the United Kingdom of Great Britain and Ireland, constituting you to be Our Governor and Commander-in-Chief in and over Our Colony of British Columbia and its Dependencies; you are therefore with all convenient speed to assume and enter upon the execution of the trust We have reposed in you.

II. And you are, with all due and usual solemnity, to cause Our said Commission, constituting you Our Governor and Commander-in-Chief as aforesaid, to be read and published in the presence of the principal persons of Our said Colony, and you will then and there take the Oath of Allegiance as prescribed by the Act of the first year of King George the First, Statute 2, chapter 13, section 2, and likewise the usual oath for the due execution of the office and trust of Our Governor and Commander-in-Chief in and over Our said Colony and Dependencies, and for the due and impartial administration of justice, and further, the oath required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed, which oaths any two Justices of Our said Colony and its Dependencies or of Vancouver's Island, have hereby full power and authority and are required to tender and administer unto you; all which being duly performed, you will administer the said Oath of Allegiance to each of the principal persons then present.

III. You are, by yourself, or by any other person to be authorized by you in that behalf, to administer and to give to all and every such persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Colony and its Dependencies, or be resident therein, the said Oath of Allegiance, save only in cases wherein any other oath or oaths is or are prescribed by the Statutes in that behalf made, or by any of them, in which cases it is Our pleasure and We do hereby direct that you do administer to such persons such other oath or oaths as aforesaid.

IV. It being of the greatest importance to Our Service and to the welfare of Our subjects, that justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all Courts where you are authorized to preside justice be impartially administered, and that in all other Courts established within our said Colony and its Dependencies all Judges and other persons therein concerned do likewise perform their several duties, without any delay or partiality.

V. And whereas We have by Our said Commission authorized, empowered, and commanded you, by Proclamation, or Proclamations to be by you for that purpose issued under the Public Seal of Our said Colony, to make all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Our

BRITISH
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subjects residing in our said Colony and its Dependencies, and other persons, subject to the rules and regulations which are or shall be in that respect prescribed to you by Our Instructions under Our Sign Manual and Signet accompanying Our said Commission, or by any future Instructions as aforesaid: Now We do prescribe to you the following rules and regulations for your guidance:

VI. You are to observe, in making laws, that the style of enacting the same be by the Governor of British Columbia.

VII. You are, as much as possible, to observe, in the passing of all laws, that each different matter be provided for by a different law, without intermixing in one and the same law such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in or annexed to any law which shall be foreign to what the title of such law imports, and that no perpetual clause be part of any temporary law, and that no law whatever be suspended, altered, continued, revived, or repealed by general words, but that the title and date of such law so suspended, altered, continued, revived, or repealed be particularly mentioned and expressed in the enacting part.

VIII. You are not to make any law whereby any person may be impeded in establishing the worship of Almighty God in a peaceable and orderly manner, although such worship may not be conducted according to the rites and ceremonies of the Church of England;

IX. Nor any law for the divorce of persons joined together in holy matrimony;

X. Nor any law for granting land or money or other donation to yourself;

XI. Nor any law for making any paper or other currency a legal tender, except the coin of the realm, or other gold or silver coin;

XII. Nor any law for raising money by the institution of public or private lotteries;

XIII. Nor any private law whereby the property of any individual may be affected, in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies politic or corporate, and of all other persons, excepting those at whose instance or for whose especial benefit such law may be enacted, and those claiming by, from, through, and under them;

XIV. Nor any law for imposing differential duties;

XV. Nor any law the provisions of which shall appear inconsistent with obligations imposed upon us by treaty;

XVI. Nor any law interfering with the discipline of our Land or Sea Forces in the Colony;

XVII. Nor any law that shall purport to be enacted for less than one year;

XVIII. Nor any law, of an extraordinary nature and importance, whereby Our Prerogative, or the rights and property of Our subjects residing in Our said Colony, or the trade and shipping of Our United Kingdom and its Dependencies, may be prejudiced;

XIX. Nor any law containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

XX. You are to take care that all Writs be issued in Our name throughout Our said Colony under your Government.

XXI. You are to take especial care to regulate all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no extortion be made on any occasion whatsoever, as also that tables of all fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to Us, through one of Our Principal Secretaries of State.

XXII. It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the fourth year of the reign of His late Majesty King George the Third, intituled "An Act to prevent paper bills of credit hereafter to be issued in any of His Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same," and also of an Act passed in the thirteenth year of the reign of His late Majesty, to explain and amend the above-recited Act passed in the fourth year of his reign as aforesaid; and you are not to give your assent to or pass any law whereby bills of credit may be struck or issued in lieu of money, or for payment of money, either to you, Our Governor, or to any person whatsoever, unless a clause be inserted in such law declaring that the same shall not take effect until the said law shall have been approved and confirmed by Us, Our heirs or successors.

XXIII. You shall not, by colour of any power or authority hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant, or dispose of

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any office or place within Our said Colony and its Dependencies, which now is or shall be granted under the Great Seal of Our United Kingdom, or to which any person is or shall be appointed by Warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you, select and nominate any fit person to officiate in the interim, till you shall have represented the matter to Us, through one of Our Principal Secretaries of State, which you are to do by the first opportunity, and have received Our further directions therein.

XXIV. You are to transmit unto Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices and officers, powers, authorities, fees, and privileges, granted and settled, or which shall be granted and settled, within Our said Colony and its Dependencies, as likewise an account of all the expenses attending the establishments of the said Courts, and of such funds as are settled and appropriated to discharge the same.

XXV. And whereas We have by Our said Commission authorized you, upon sufficient cause to you appearing, to suspend from the exercise of his office within Our said Colony and its Dependencies any person exercising the same under and by virtue of any Commission or Warrant granted or to be granted by Us or in Our name or under Our authority: Now We do charge and require you that, before proceeding to any such suspension, you do signify, by a statement in writing to the person so to be suspended, the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing a statement of the grounds upon which he may be desirous to exculpate himself, and if, after having considered such statement and exculpation, you should persist in such suspension, you are to transmit the said statement and exculpation to Us, through one of Our Principal Secretaries of State, by the earliest conveyance; but if in any case the interests of Our Service shall appear to you to demand that a person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings herein-before directed, you shall then interdict such person from the exercise of his powers and functions, preserving to him, however, until such proceedings shall have been taken, the emoluments and advantages of his office.

XXVI. And whereas We have by Our said Commission given and granted unto you full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any court, or before any Judge, Justice, or Magistrate within our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the sentence of any such offender for such period as to you may seem fit: Now We do hereby require and enjoin you to call upon the Judge presiding at the trial of any such offender, who may from time to time be condemned to suffer death by any sentence of any Court within Our said Colony, to make to you a written report of the case of such offender, and specially to attend you thereupon, and such report of the said Judge shall by you be taken into consideration, and you shall not pardon or relieve any such offender as aforesaid unless it shall appear to you expedient so to do, but in all such cases you are to decide either to extend or to withhold a pardon or reprieve, according to your own deliberate judgment.

XXVII. And whereas there have been great irregularities in the manner of granting Commissions to private ships of war, you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of marque or reprisal against any Prince or State, or their subjects, in amity with Us, to any person whatsoever, without Our special command.

XXVIII. We do enjoin and require that you do take especial care that Almighty God be devoutly and truly served throughout your Government, and that you will duly exercise the powers herein confided to you for the encouragement of Religion and morality, so far as consistent with established law.

XXIX. It is Our further will and pleasure that you do give your most serious attention to the consideration and appliance of all proper methods for the erecting and maintaining schools, in order to the training up of youth to reading and to a necessary knowledge of the principles of Religion.

XXX. You shall from time to time give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of Our said Colony and its Dependencies, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made, or advantages gained by trade, and in what way We may contribute thereunto.

XXXI. If anything shall happen which may be of advantage or security to Our Colony and its Dependencies under your Government which is not herein or by Our

BRITISH
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Commission provided for, We do hereby allow you to take orders for the present therein, giving unto Us, through one of Our Principal Secretaries of State, speedy notice thereof, that so you may receive Our ratification, if We shall approve of the same: Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare war without Our knowledge, and particular commands therein first obtained for so doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council.

XXXII. And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

XXXIII. And whereas We have thought fit, by Our Commission, to direct that in case of your death, incapacity, removal, or absence, and there be at that time no person within Our said Colony commissioned or appointed by Us to be Lieutenant-Governor, or specially appointed by Us to administer the Government of Our said Colony and its Dependencies, a person to be for that purpose appointed by yourself shall take upon him the administration of the said Government, with all the powers and authorities vested in you; it is nevertheless Our express will and pleasure that in such case the person so administering the Government under your Warrant shall forbear to make any laws but what are immediately necessary for the peace and welfare of Our said Colony and its Dependencies without Our particular order for that purpose, and that he shall not take upon him to remove or suspend any of the Judges, Justices of the Peace, or other officer, civil or military, without good and sufficient reasons, of which he shall forthwith transmit an account to Us, through one of Our Principal Secretaries of State.

XXXIV. And whereas great prejudice might happen to Our Service and to the security of Our said Colony by your prolonged absence therefrom, you shall not upon any pretence whatever quit Our said Colony, without first having obtained Our leave for so doing under Our Sign Manual, or through one of Our Principal Secretaries of State, excepting for the purpose of visiting Our Island of Vancouver.

AN ORDER of the QUEEN in Council empowering the Governor of BRITISH COLUMBIA to make Laws, and to provide for the Administration of Justice in the said Colony.

At the Court at Osborne House, Isle of Wight, the 2nd day of September 1858.

PRESENT:

The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the twenty-second year of the reign of Her Majesty, entitled "An Act to provide for the Government of British Columbia," it is declared lawful for Her Majesty, by any Order or Orders to be by Her from time to time made, with the advice of Her Privy Council, to make, ordain, and establish, and (subject to such conditions as to Her shall seem meet) to authorize and empower such officer as She may from time to time appoint to administer the Government of British Columbia to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein: Provided that all such Orders in Council, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively; provided also, that it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute, or to authorize and empower such officer to constitute, a Legislature, to make laws for the peace, order, and good government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many persons, and to be appointed or elected in such manner, and for such periods, and subject to such regulations, as to Her Majesty may seem expedient:

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Her Majesty, by virtue of the powers vested in Her by the said recited Act, and by and with the advice of Her Privy Council, is pleased to order and doth hereby order, authorize, empower, and command the Governor, or the officer for the time being administering the Government of the said Colony of British Columbia, to make provision for the administration of justice; and, further, by Proclamation or Proclamations to be

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by him issued for that purpose, under the Public Seal of the said Colony, to make, ordain, and establish all such laws and ordinances as may be necessary for the peace, order, and good government of Her Majesty's subjects and others in the said Colony; subject, nevertheless, to the following conditions, that is to say: that every such law or ordinance as aforesaid shall by the said Governor or officer administering the Government be with all convenient expedition transmitted to Her Majesty, for Her approbation or disallowance thereof or of any part thereof, through one of Her Principal Secretaries of State, and that the same or any part thereof shall not be in force within the said Colony after Her Majesty's disallowance as aforesaid shall be made known therein: Provided nevertheless, and Her Majesty doth hereby reserve to Herself, Her heirs and successors, Her and their right and authority to make and establish, from time to time, with the advice of Her Privy Council, all such laws as may to Her or them appear necessary for the order, peace, and good government of the said Colony and its Dependencies, as fully as if this present Order had not been made.

And it is hereby further ordered, that in providing for the administration of justice in the said Colony, and the making all such laws, institutions, and ordinances, the said Governor or officer for the time being administering the Government of the said Colony shall conform to and exercise all the directions, powers, and authorities given and granted to him by Her Majesty's Commission, the draft of which is hereunto annexed, subject to all such rules and regulations as are prescribed in and by the Instructions under the Royal Sign Manual and Signet accompanying Her Majesty's Commission, or by any Instructions as aforesaid which Her Majesty, with the advice of Her Privy Council, may from time to time make for his guidance herein.

Administration
of Justice.

And the Right Honourable Sir Edward Bulwer Lytton, Baronet, one of Her Majesty's Principal Secretaries of State, is to give herein the necessary directions accordingly.

(Signed) C. C. GREVILLE.

COPY of an INSTRUMENT under the Royal Sign Manual, revoking so much of the Crown Grant of 30th May 1833, to the HUDSON'S BAY COMPANY, for exclusive Trading with the Indians, as relates to the Territories comprised within the Colony of BRITISH COLUMBIA, dated 2d September 1858.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

WHEREAS by an Instrument under the hand and seal of the Right Honourable Lord Glenelg, then one of Our Principal Secretaries of State, and dated the 30th day of May 1838, We did, for the reasons and considerations therein recited, grant and give Our licence to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the lands and territories belonging to the United States of America as should not form part of any of Our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European Government, State, or Power, but subject, nevertheless, as therein-after mentioned; and did give, grant, and secure to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of twenty-one years from the date of Our said grant, of trading with the Indians in all such parts of North America as aforesaid (except as therein-after mentioned): Provided nevertheless, and We did thereby declare Our pleasure to be, that nothing therein contained should extend or be construed to prevent the establishment by Us, Our heirs or successors, within the territories aforesaid or any of them, of any colony or colonies, province or provinces, or the annexing any part of the aforesaid territories to any existing colony or colonies, to Us, in right of Our Imperial Crown, belonging, or constituting any such form of Civil Government as to Us might seem meet, within any such colony or colonies, province or provinces; and We did thereby reserve to Us, Our heirs and successors, full power and authority to revoke Our said grant or any part thereof in so far as the same might embrace or extend to any of the territories aforesaid which might thereafter be comprised within any colony or colonies, province or provinces, as aforesaid:

And whereas We have, by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster this second day of

BRITISH
COLUMBIA.

September 1858, in the twenty-second year of Our reign, and in virtue as well of the powers vested in Us by an Act, entitled "An Act to provide for the Government of "British Columbia," as of all other powers and authorities belonging to Us in that behalf, established within the territories aforesaid a Colony under the title of British Columbia, bounded, as in the said recited Act is mentioned, to the south by the frontier of the United States of America, to the east by the main chain of the Rocky Mountains, to the north by Simpson's River and the Finlay Branch of the Peace River, and to the west by the Pacific Ocean, and including Queen Charlotte's Island, and all other islands adjacent to the said territories, except as therein-after excepted :

And whereas it has appeared to Us expedient that the right of exclusive trade with the Indians given by Us in manner aforesaid to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, within the territories in the said Instrument described, should no longer be exercised by them within so much of those territories as is comprised within the said Colony of British Columbia :

Now know ye that We do hereby revoke Our said grant contained in the herein-before recited Instrument of the 30th May 1838, in so far as the same embraces or extends to the territories comprised within the said Colony of British Columbia :

And We do hereby declare, that this present revocation of Our said grant shall take effect within the said Colony as soon as it shall have been proclaimed there by the Officer Administering the Government thereof.

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Despatches from Governor Douglas.

BRITISH
COLUMBIA.

No. 1.

COPY of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.

No 1.

(No. 23.)

Victoria, Vancouver's Island, May 19, 1858.

(Received July 13, 1858.)

(Answered, No. 4, July 16, 1858, p. 42.)

MY LORD,

1. SINCE I had the honour of addressing you on the 8th instant, on the subject of the Couteau Gold Mines, it was currently reported that boats and other small craft from the American shore were continually entering Fraser's River with passengers and goods, especially spirits, arms, ammunition, and other prohibited and noxious articles, and as those acts are in direct violation of the Customs' Laws, as extended to the British Possessions in America, and infringe the rights of the Hudson's Bay Company, I took immediate steps to put a stop to those lawless practices, by issuing a Proclamation, of which a copy is transmitted, warning all persons against the consequences of such offences, and I have since applied to Captain Prevost, of Her Majesty's Ship "Satellite," for an effective force to carry out the measures proposed and set forth in my Proclamation.

Enclosure.

2. That force it is intended to despatch to-morrow, under the direction of an officer of the Customs to be appointed specially for that purpose.

3. I also propose in a few days hence to make an excursion to the Falls of Fraser's River, for the purpose of inquiring into the state of the country, on which I will report to you on my return.

4. The American steamer "Commodore" returned to this port from San Francisco two days ago, with 400 passengers of the Gold Mines, who are preparing to leave in boats and canoes for Fraser's River.

5. The excitement about the Couteau Gold Mines is on the increase, and people are pushing from all quarters in that direction.

6. In our last accounts from that quarter, of the 8th instant, it is stated that 1,500 white miners, at the smallest computation, had reached the diggings, and that they were not finding much gold, in consequence of the rivers being swollen by the melting of the mountain snow. The river beds, which yield the largest quantities of gold, being all flooded, the miners were in search of other diggings, and had found gold in small quantities, probably from one to two dollars a man per day, in almost every part of the country which they have examined, and they expect a large yield when the rivers fall to a lower level.

7. Those accounts are sufficiently promising to nourish the prevalent mania for gold. On all sides the Americans are striving to force a passage into the Gold District through their own territories, attempts being at once made to open roads from Bellingham Bay, from Nisqually, and by the way of the Columbia River.

8. I am now convinced that it is utterly impossible, through any means within our power, to close the Gold Districts against the entrance of foreigners, as long as gold is found in abundance, in which case the country will soon be overrun and occupied by a large white population, whether it be agreeable to our wishes or not; while, on the contrary, it is no less certain that the excitement on the subject will soon altogether cease, if the diggings prove unremunerative, and the crowds now gathering on the banks of Fraser's River will in that case soon abandon the country, and return to their homes. The evil will thus work its own cure without interposition on our part.

9. In the meantime, with the view of escaping the greater evil of compelling people to have recourse to expedients for entering the country by unlawful means, I am striving to legalize the entrance of gold miners into Fraser's River, on certain conditions, which at

BRITISH
COLUMBIA.

once assert the rights of the Crown, protect the interest of the Hudson's Bay Company, and are intended to draw the whole trade of the Gold Districts through Fraser's River to this Colony, which will procure its supplies directly from the Mother Country.

10. With those views I proposed an arrangement on the following terms to the Agents of the United States Pacific Mail Steam Ship Company, who, having steamers of every class connected with their operations in California, and a staff of experienced officers at their disposal, are perhaps better qualified than any other parties for carrying such an arrangement immediately into effect:—

- 1st. That they should place steamers on the navigable route between this place and the Falls of Fraser's River, 130 miles distant from its discharge into the Gulf of Georgia, for the transport of goods and passengers to that point.
 - 2d. That they should carry the Hudson's Bay Company's goods into Fraser's River, and no other.
 - 3d. That they carry no passengers except such as have taken out and paid for a gold mining licence and permit from the Government of Vancouver's Island.
 - 4th. That they pay to the Hudson's Bay Company, as compensation to them, at the rate of two dollars head money for each passenger carried into Fraser's River.
 - 5th. That they should otherwise be allowed to enjoy the whole of the profits on the river transport.
 - 6th. That arrangement to continue in force for one year from this date, and no longer.
11. The Pacific Mail Steam Ship Company have promised to give a decided answer, accepting or rejecting those proposals, on or before the 24th of the present month.
12. If that arrangement be carried into effect, it will be of great advantage to the country at large, and give the Government a decided control over the mining population of the interior.
13. I trust, from its so thoroughly protecting every interest connected with the country, that it will meet with your approval.

I have, &c.

(Signed) JAMES DOUGLAS,
Governor.

The Right Hon. Lord Stanley, M.P.,
&c. &c.

Enclosure in
No 1.

Enclosure in No. 1.

PROCLAMATION

By His Excellency JAMES DOUGLAS, Governor and Commander-in-Chief of the Colony of Vancouver's Island and Dependencies, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS it is commonly reported that certain boats and other vessels have entered Fraser's River for trade; and whereas there is reason to apprehend that other persons are preparing and fitting out boats and vessels for the same purpose:

Now, therefore, I have issued this my Proclamation, warning all persons that such acts are contrary to law, and infringements upon the rights of the Hudson's Bay Company, who are legally entitled to the trade with Indians in the British Possessions on the north-west coast of America, to the exclusion of all other persons, whether British or Foreign.

And also, that after fourteen days from the date of this my Proclamation, all ships, boats, and vessels, together with the goods laden on board, found in Fraser's River, or in any of the bays, rivers, or creeks of the said British Possessions on the north-west coast of America, not having a licence from the Hudson's Bay Company, and a surffiance from the proper officer of the Customs at Victoria, shall be liable to forfeiture, and will be seized and condemned according to law.

Given under my hand and seal, at Government House, Victoria, this eighth day of May in the year of our Lord One thousand eight hundred and fifty-eight, and in the twenty-first year of Her Majesty's reign.

(Signed) JAMES DOUGLAS, Governor.

By His Excellency's Command,
Richard Gollidge, Secretary.

God save the Queen.

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BRITISH
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No. 2.COPY of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.
(No. 24.)

Victoria, Vancouver's Island, June 10, 1858.

(Received August 9, 1858.)

(Answered No. 8, August 14, 1858, page 17.)

My LORD,

1. SINCE I had the honour of addressing you on the 19th of May last, in reference to the Couteau Gold Mines, and the immigration of foreigners into Fraser's River, as well as the measures taken to assert the rights of the Crown to enforce the Revenue laws of the empire, and to protect the rights of the Hudson's Bay Company, I have, as therein proposed, made a journey to the Falls of Fraser's River, visited the gold diggings, and seen all the miners below that point; and I will now proceed to give a brief narrative of my proceedings, and the information gathered in respect to the auriferous character of the country in the course of that journey.

2. In consequence of the requisition for assistance made on Captain Prevost, Her Majesty's Ship "Satellite" was anchored off the mouth of Fraser's River, where I joined her on the following day, with the Hudson's Bay Company's propeller "Otter," in which we proceeded up Fraser's River, with the "Satellite's" launch and gig in tow, to Fort Langley, distant about 30 miles from the mouth of the river.

3. The Revenue officers found immediate occupation in the seizure of several lots of contraband goods, and taking 16 unlicensed canoes into custody. The latter being manned exclusively with gold miners, and containing only their mining tools, provisions, and personal clothing, without any merchandise for trade, I caused them to be released, granting a pass at a charge of five dollars to each canoe, and the amount, 80 dollars, so formed, was carried to account of the public Revenue. The contraband goods will be brought to trial on the 11th instant, under the 167th section of the "Customs Consolidation Act, 1853."

4. From Fort Langley we pursued our upward journey, in canoes manned chiefly by native Indians, and accompanied by Captain Prevost in his gig, manned with six of the "Satellite's" seamen.

5. After journeying four days, we reached Fort Hope, the next establishment of the Hudson's Bay Company on Fraser's River, and about 80 miles distant from Fort Langley.

6. The actual gold diggings commence on a bar of Fraser's River about one mile below the point on which Fort Hope is situated, and from that point upwards to the commencement of the Falls, a distance of 20 miles, we found six several parties of miners successfully engaged in digging for gold on as many partially uncovered river bars; the number of whites on those bars being about 190 men, and there was probably double that number of native Indians, promiscuously engaged with the whites in the same exciting pursuit.

7. The diggings became sensibly richer as we ascended the stream as far as "Hill's Bar," four miles below the Falls, which is the richest point workable in the present high state of the river.

8. The gold on those bars is taken entirely from the surface, there being no excavation on any of them deeper than two feet, as the flow of water from the river prevents their sinking to a greater depth.

9. Mr. Hill, the party after whom the bar is named, produced for inspection the product of his morning's (six hours') work, with a rocker and three hands besides himself, the result being very nearly six ounces of clean float gold, worth one hundred dollars in money, giving a return of fifty dollars a day for each man employed. That return the party observed was the largest day's work he had ever made on Fraser's River, and he further remarked, that the same good fortune did not attend him every day.

10. The other miners whom I questioned about their earnings, stated that they were making from two and a half, the lowest, to twenty-five dollars, the highest usual return to the man a day.

11. The greatest instance of mining success which I heard of in course of our journey fell to the lot of a party of three men, who made one hundred and ninety ounces of gold dust in seven working days on "Sailor's Bar," a place about ten miles above the Falls, giving a return of nearly nine ounces a day for each man employed.

12. Thirty miners arrived from the upper country during our stay at the Falls, with very favourable reports as to its productiveness in gold. They told me that they had prospected the banks of Fraser's River as far as the Great Falls, forty miles beyond the confluence of Thompson's River, and also many of its tributary streams, in all

BRITISH
COLUMBIA.

of which they found gold, frequently in pieces ranging from twenty-four grains to half an ounce in weight, and they also observed that the gold was larger in size and coarser the further they ascended the river. Thus, for example, the gold found below the Falls is in thin bright scales or minute particles, while that found at the Great Falls is in pieces ranging, as before said, from twenty-four grains to half an ounce in weight; a circumstance which the miner believes to be indicative of a richer country beyond.

13. The country about the Great Falls has not been closely examined, but the miners generally report its appearance to be promising, and from anything we know to the contrary the whole course of Fraser's River, even to the Rocky Mountains, may be auriferous.

14. Those miners were prevented going further into the country for want of food, which compelled their return to the settlements for supplies. They were very successful about the Great Falls, and made from ten to thirty dollars to the man a day.

15. William C. Johnston, an old California miner, told me that he had prospected Harrison's River, and had travelled from thence to the Great Falls of Fraser's River, and that he had observed in the course of his journey much gold-bearing quartz, and the most promising indications of placer gold. Another old miner assured me that he had found large quantities of gold-bearing quartz in the mountains near Fort Hope, which he thinks will pay better than the California quartz rock; a report which was confirmed by other miners. The miners generally assert that Fraser's River is richer than any "three rivers" in California.

16. Thompson's River and its tributary streams are known to be auriferous, and I have just heard from Mr. McLean, one of the Hudson's Bay Company's officers, that gold has also been lately discovered on the banks of the Great Okanagan Lake.

17. Mr. Richard Hicks, a respectable miner at Fort Yale, assured me that he had found "flour gold," that is, gold in powder, floating on the waters of Fraser's River during the freshet, and he is of opinion that by means of quicksilver gold will be found in every part of Fraser's River, even to its discharge into the Gulf of Georgia.

18. Evidence is thus obtained of the existence of gold over a vast extent of country situated both north and south of Fraser's River, and the conviction is gradually forcing itself upon my mind, that not only Fraser's River and its tributary streams, but also the whole country situated to the eastward of the Gulf of Georgia, as far north as Johnstone's Straits, is one continued bed of gold of incalculable value and extent.

19. Such being the case, the question arises as to the course of policy in respect to Fraser's River which Her Majesty's Government may deem it advisable in those circumstances to follow.

20. My own opinion is, that the stream of immigration is setting so powerfully towards Fraser's River that it is impossible to arrest its course, and that the population thus formed will occupy the land as squatters, if they cannot obtain a title by legal means.

21. I think it therefore a measure of obvious necessity that the whole country be immediately thrown open for settlement, and that the land be surveyed, and sold at a fixed rate, not to exceed twenty shillings an acre. By that means, together with the imposition of a Customs' duty on imports, a duty on licences to miners, and other taxes, a large revenue might be collected for the service of Government.

22. As the Hudson's Bay Company would in that case have to relinquish their exclusive rights of trade, compensation might be made to them for those rights, by an annual payment out of the public Revenues of the country.

23. Either that plan, or some other better calculated to maintain the rights of the Crown and the authority of the laws, should, in my opinion, be adopted with as little delay as possible, otherwise the country will be filled with lawless crowds, the public lands unlawfully occupied by squatters of every description, and the authority of Government will ultimately be set at naught.

24. In anticipation of your instructions to carry some such plan into effect, I have communicated with Mr. Pemberton, the Surveyor-General of Vancouver's Island, and desired him to make temporary arrangements with any qualified persons he may find in this Colony, for the purpose of increasing the staff of surveying officers, and of engaging actively in an extended survey of the lands of Fraser's River, whenever your instructions to that effect are received from England; and in the meantime they can be usefully employed in laying out allotments for sale on Vancouver's Island, there being at present a very great and increasing demand for land in this Colony.

25. I beg also to remark, that it is my intention to confer on Mr. Pemberton the provisional appointment of Surveyor-General of Fraser's River, as he is a gentleman of great experience, and thoroughly well qualified, by previous training in the forests of Vancouver's Island, and great natural talent, for that responsible office.

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26. I propose to form a large and efficient corps of surveying officers, to be placed under the management of the Surveyor-General, and to authorize him, after due application to this Government, to establish branch offices wherever required, which will report all proceedings to the general office at this place, superintended by the Surveyor-General, who will be held responsible for the proper management of the department.

27. In consequence of the increasing demands upon my time by the crowds of people who are flocking to this place, and the want of assistants, my secretary, Mr. Colledge, being greatly overworked, I have been compelled to prepare this report in the midst of numberless interruptions, and I beg that its inaccuracies may be overlooked and that I may receive your instructions by return of post, as the case is urgent, and calls for rapid and decisive measures in the outset, for in the course of a few months there may be one hundred thousand people in the country.

I have &c.

(Signed)

JAMES DOUGLAS,

Governor.

The Right Hon. Lord Stanley, M.P.,

&c.

&c.

No. 3.

No. 3.

COPY of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.

(No. 25.)

Victoria, Vancouver's Island, June 15, 1858.

(Received August 9, 1858.)

(Answered No. 8, August 14, 1858, page 47.)

MY LORD,

1. I HAVE the honour to enclose herewith copy of an address presented to me in the 12th instant by a committee appointed for that purpose at a public meeting lately held at this place.

Enclosure.

2. I informed the committee, in reply to their address, that I had lately returned from the mines of Fraser's River, and that there was really no actual distress for want of provisions among the mining population in all the accessible parts of the country, and that care would be taken to provide for all their wants.

3. That I had no authority to throw open the trade of Fraser's River, which was secured by Statute to the Hudson's Bay Company; but that I had addressed Her Majesty's Government on that subject, recommending the opening of the Fraser's River district for settlement, and I was of opinion that course would be taken, and compensation be made to the Hudson's Bay Company for any sacrifice of interest they may be called upon to make.

4. I also informed them that the progress of this Colony occupied my careful attention, and that its growing interests would be carefully protected.

5. I also promised to forward their address.

I have, &c.,

(Signed)

JAMES DOUGLAS,

Governor.

The Right Hon. Lord Stanley, M.P.,

&c.

&c.

Enclosure in No. 3.

Enclosure in
No. 3.

To His Excellency JAMES DOUGLAS, Governor and Commander-in-Chief of the Colony of Vancouver's Island and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

SIR,

At a public meeting held on the 5th instant the following resolution was unanimously adopted, viz.:-

"That a committee be appointed to draw up an address to His Excellency James Douglas, Governor of Vancouver's Island, and chief factor of the Hudson's Bay Company, for the purpose of obtaining free trade with the mining population on Fraser's River; and also that steamers and other vessels be allowed to run between Victoria and the head of navigation on Fraser's River and its tributaries."

We, the undersigned, having been named to carry out the above resolution, beg respectively to solicit your Excellency's earnest attention to the following important points:-

1st.—It is notorious that the stock of provisions in the mining districts is utterly inadequate for the supply even of the present population, many individuals having been compelled to abandon their labours, and return to this and other ports, to obtain the common necessaries of life. Many settlers on this island are most anxious to carry supplies to their countrymen at the mines, but are prevented by the obstacles interposed by the Hudson's Bay Company, who have already seized goods to a considerable amount on their way up the river.

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BRITISH
COLUMBIA.

We cannot, therefore, consider without serious apprehension the state of confusion and distress which must ensue when the vast numbers now swelling the tide of immigration shall have settled on these shores, should the present restrictions imposed upon trade by the Hudson's Bay Company continue in force.

2d.—We beg to draw your Excellency's attention to the great inconvenience that is suffered by all classes, and by the mining community in particular, for the want of a reliable steam communication between this port and the mining districts; a want which has already caused the loss of many valuable lives. Such a state of things is deplorable in this age, and the more to be regretted when we consider that the means of supplying this want are at hand, and freely offered, but are rejected by the exclusive policy of the Hudson's Bay Company.

It was with great satisfaction that the public heard that on the 5th instant your Excellency had given permission to the American steamers, "Surprise" and "Sea Bird," to carry passengers from this port up Fraser's River, but it heard with deep regret that this permission was given for one trip only.

3d.—We would especially point out for your Excellency's most serious consideration how highly injurious is this state of things to the interests and progress of this important Colony. Many British subjects have recently come here, anxious to make this their home, and have invested in property to a considerable amount, and numbers of their friends are only waiting their advices to follow; but they find their labour damped and their operations checked by the monopolizing policy of the Hudson's Bay Company. In the meantime, thousands of our countrymen from California are daily passing this beautiful island to settle upon American soil, because they see no fair field offered for their enterprise under the British flag.

We feel assured that your Excellency will at once perceive that in bringing the objects of this memorial so prominently before you we are actuated solely by an earnest desire to advance the interests of this Colony, by providing for the welfare of settlers, and holding out inducements to early immigration, convinced that this is only to be obtained by the speedy adoption of the liberal measures embodied in the Resolution we have submitted.

Requesting that your Excellency will favour us with an early reply,

Victoria, V. I.,
June 9, 1858.

We have, &c.
(Signed by) JAMES YATES.
(And five other persons.)

No. 4.

No. 4.

COPY of a DESPATCH from Governor DOUGLAS to the Right Hon. LORD STANLEY, M.P.

(No. 26.)

Victoria, Vancouver's Island,
June 15, 1858.

(Received August 9, 1858.)

(Answered, No. 8, August 14, 1858, page 47.)

MY LORD,

1. In reporting the other day the result of my observations on the Gold Regions of Fraser's River, I omitted to mention several things which I ought to have communicated to you.

2. In consequence of that omission I have now to state that during my stay at the Falls of Fraser's River I appointed Mr. Richard Hicks, a respectable Englishman engaged in mining pursuits there, as Revenue officer for the district of Fort Yale, at a salary of 40*l.* a year, to be paid out of the Revenues of the country.

3. On the arrival of our party at "Hill's Bar," the white miners were in a state of great alarm on account of a serious affray which had just occurred with the native Indians, who mustered under arms in a tumultuous manner, and threatened to make a clean sweep of the whole body of miners assembled there.

4. The quarrel arose out of a series of provocations on both sides, and from the jealousy of the savages, who naturally feel annoyed at the large quantities of gold taken from their country by the white miners.

5. I lectured them soundly about their conduct on that occasion, and took the leader in the affray, an Indian highly connected in their way, and of great influence, resolution, and energy of character, into the Government service, and found him exceedingly useful in settling other Indian difficulties.

6. I also spoke with great plainness of speech to the white miners, who were nearly all foreigners, representing almost every nation in Europe. I refused to grant them any rights of occupation to the soil, and told them distinctly that Her Majesty's Government ignored their very existence in that part of the country, which was not open for the purposes of settlement, and they were permitted to remain there merely on sufferance; that no abuses would be tolerated; and that the laws would protect the rights of the Indian, no less than those of the white man.

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(No. 28)

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7. I also appointed Mr. George Perrier, a British subject, as Justice of the Peace for the district of "Hill's Bar," and directed the Indians to apply to him for redress whenever any of them suffer wrong at the hands of white men, and also cautioned them against taking the law into their own hands, and seeking justice according to their own barbarous customs.

8. I also appointed Indian magistrates, who are to bring forward, when required, any man of their several tribes who may be charged with offences against the laws of the country; an arrangement which will prevent much evil; but without the exercise of unceasing vigilance on the part of the Government Indian troubles will sooner or later occur.

9. The recent defeat of Colonel Steptoe's detachments of United States troops, consisting of dragoons and infantry, by the Indians of Oregon territory, has greatly increased the natural audacity of the savage, and the difficulty of managing them. It will require, I fear, the nicest tact to avoid a disastrous Indian war.

10. I transmit herewith a hand book and map of the Gold Region of Fraser's River, which will prove useful as a reference.

I have, &c.

(Signed) JAMES DOUGLAS,

Governor.

The Right Hon. Lord Stanley, M.P.,
&c. &c.

Enclosure.

Vide Appendix
No. .

Enclosure in No. 4.

Enclosure in
No. 4.

Extract from "*Pioneer and Democrat*."

May 28th, 1858.
Washington Territory.

"Another Indian War.—Startling Intelligence. Defeat of Col. Steptoe. Fifty-three Men killed.

"JUST as we are getting our paper ready for the press (Thursday afternoon), an express arrived from the head-quarters of Col. Steptoe in the Sinecoo Valley, with despatches for Lieut. Col. Casey, and letters to His Excellency Gov. McMullin, informing them of the defeat, on the 16th instant, at the first crossing of Snake River, about 30 miles above its junction with the Columbia, of the command of Col. S. The command consisted of five companies or 400 men. The Indians are reported as having been 1,500 strong, and composed of the Snake, Palouse, and other tribes. The action resulted in three officers and 50 men killed. Two of the officers killed are Capt. Wynders and Lieut. Gasten. The Indians took two howitzers which belonged to the command, and all but 60 pack animals. In fact, so complete is said to have been the rout, that the officer in command was compelled to fall back with the utmost precipitation. The battle took place while the regulars were in the act of crossing the river.

"Col. Steptoe had proceeded into the Snake country peaceably to treat with them, or proceed to hostilities, if necessary. The object of his visit was probably of a similar character with that of Major Haller, some three years since, and which resulted in a like unfortunate manner. Major H., our readers will remember, proceeded thence with a force of 104 men, and in a peaceable manner demanded the murderers of the emigrants of 1854. The result was, that instead of bringing to justice these depredators and murderers, he brought home the bodies of 22 of his command, killed or wounded, on litters."

No. 5.

No. 5.

Copy of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.

(No. 28.)

Victoria, Vancouver's Island, June 19, 1858.

(Received August 9, 1858.)

(Answered No. 8. August 14, 1858, page 47.)

MY LORD,

1. I FEAR the frequent and desultory nature of my Despatches will give you much trouble, but the pressure of business compels me to address you in this form.

2. Reports are continually arriving here confirmatory of the extent and value of the Fraser's River Gold Region; and Captain Stuart, of the Hudson's Bay Company's Service, has just reported the discovery of gold in the Cowetchin Valley, Vancouver's Island, on the authority of Indian testimony.

3. Another report has just been made officially by Mr. Brotchie, that he saw and examined the contents of a purse, containing about 20*l.* worth of gold dust, which an Indian had collected in Howe's Sound or Burrard's Canal, situated in the Gulf of Georgia, a little north of Fraser's River; a fact which adds force to the opinion expressed in the 18th paragraph of my Despatch No. 24.* of the 10th of June 1858, respecting the

* Vide page .

BRITISH
COLUMBIA.

impression I entertained of the auriferous character of the country to the eastward of the Gulf of Georgia, as far north as Johnstone's Straits.

4. Your Lordship will not be surprised to learn that, under these circumstances, the gold excitement throughout this Colony, California, and Oregon continues unabated.

5. Crowds of people are coming in from all quarters. The American steamer "Commodore" arrived on the 13th instant from San Francisco with 450 passengers, and the steamer "Pnnama" came in yesterday from the same port with 750 passengers, and other vessels are reported to be on the way.

6. Two river steamers, the "Surprise" and "Sea Bird," both owned by American citizens, ply with passengers between this port and Fraser's River, the former having made her way up that stream as far as Fort Hope, one hundred ten miles from the sea. The miners by that means reach their destination with safety and despatch.

7. The quantity of gold collected by the Hudson's Bay Company up to the present time rather exceeds 10,000*l.* in value, and I saw during my recent excursion a large quantity of gold among the miners.

Enclosure.

8. I herewith forward, for your information, a copy of the terms on which it is proposed to allow steam vessels to ply upon Fraser's River, enforcing at once the Revenue laws of the empire, and respecting the trading rights of the Hudson's Bay Company.

9. Those terms are not exclusive, but open to acceptance by any parties, undertaking the performance of the proposed conditions. The object of all those measures is to give facilities to miners, and to secure the trade of the Gold Regions for our own country, as it will otherwise take the direction of the Columbia River into American Oregon.

10. We have commenced levying the duty on mining licences, all parties entering the river by the licensed steam vessels being required to pay one month's licence in advance. We have collected about 420*l.*; a Revenue that I will hold subject to your Instructions.

11. When Fraser's River, now greatly swollen, subsides, and the miners get fairly to work, I propose to appoint a Commissioner and Local Collectors for those dues, as soon as fit and proper persons to fill those offices can be found.

12. Mr. William A. G. Young, at present in Her Majesty's Service as Secretary for the Boundary Commission, is highly qualified in every respect for the office of Gold Commissioner, and I should be glad to obtain your permission to secure the services of that gentleman.

13. I have no doubt that your Lordship will send out a body of troops for the service of this Colony and the Fraser's River District.

14. The miners have applied to me for protection against the natives, and when that is accorded will have no hesitation in paying the licence duty; otherwise it will be paid with reluctance.

15. They have also applied to me for negotiable orders in payment of gold delivered to Government agents in the mines, and for the organization of a Postal System for the transmission of letters.

16. Will you kindly give me Instructions on those subjects herein referred to?

I have, &c.

(Signed) JAMES DOUGLAS,

Governor.

The Right Hon. Lord Stanley, M.P.,
&c. &c.

Enclosure in
No. 5.

Enclosure in No. 5.

The AGENTS of the HUDSON'S BAY COMPANY agree to license one or more Steamers to ply from Victoria to and on Fraser's River, on the following terms:—

1st.—To receive and transport no goods to, on, or from Fraser's River except the goods of the Hudson's Bay Company, or such as they may permit to be shipped; and that for the transport of such goods that the freight do not exceed the following rates, viz:—

Victoria to Langley	- \$ 10	} per ton of 2,000 lbs. or 40 feet measurement.
Langley to Fort Hope	- \$ 10	
Fort Hope to Fort Yale	- \$ 5	

Return rates to be on the same scale.

2d.—To carry no passengers to or on Fraser's River who have not taken out a mining licence and permit from the Government of Vancouver's Island, and paid one month's advance thereon.

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- 3d.—To pay head-money to the Hudson's Bay Company, at the rate of two dollars for each passenger proceeding into Fraser's River or taking passage from Fort Langley upwards. A settlement to be made at the end of each trip; an officer of the Hudson's Bay Company to be received on board without charge to attend to such business, if required by the Hudson's Bay Company.
- 4th.—That all vessels plying to or on the river be commanded and owned by British subjects.
- 5th.—That permits on said terms will be continued till expiry of the Company's licence of trade in the month of May 1859.

Vancouver's Island,
18th June 1858.

No. 6.

No. 6.

COPY OF DESPATCH from GOVERNOR DOUGLAS to the Right Hon. Lord STANLEY, M.P.

(No. 29.)

Victoria, Vancouver's Island, July 1, 1858.

(Received August 9, 1858.)

(Answered, No. 8. August 14, 1858, page 47.)

My Lord,

1. SINCE I had last the honour of addressing you on the 19th instant, the excitement on the subject of the Fraser's River Gold Mines has been more than ever exhibited in the rush of people from all parts of the coast to this Colony.

The Custom-House books of this place show a return of—

- 19 steam ships,
- 9 sailing ditto,
- 14 decked boats,

which have entered at the port of Victoria since the 19th of May last, having 6,133 passengers on board, all either bound directly for Fraser's River, or proposing to settle at this place, with the view of entering into business connexions with parties at the mines.

2. The ascertained number of persons who had actually sailed from the port of San Francisco, with the intention of going into the Fraser's River mines, up to the 15th instant, was 10,573, and there was then no abatement in the demand for passages, every vessel being taken up as soon as advertised to sail for Vancouver's Island.

3. Those statements give a proximate idea of the number of persons at and on the way to Fraser's River from California and other more distant countries, but do not represent the increase of population derived from the United States territories of Washington and Oregon, through parties of adventurers who have entered the British Possessions by land. We are, therefore, led to the inference that this country and Fraser's River have gained an increase of 10,000 inhabitants within the last six weeks, and the tide of immigration continues to roll onward without any prospect of abatement.

4. No complaints have been made as to the department of the emigrants, who, notwithstanding the weakness of the Colonial Executive, have been quiet and submissive to the laws of the country.

5. We continue successfully to enforce at this place the pre-payment of one month's licence fee, that is, the sum of five dollars, on all persons entering Fraser's River for the purpose of gold mining, for which a receipt is given in the accompanying form.

6. We have up to this day issued 2,221 such receipts at this place, and 304 more were issued by Captain Prevost, of Her Majesty's Ship "Satellite," when stationed off the entrance of Fraser's River, making a total issue of 2,525 licence receipts to as many respective miners; and we have thereby collected the sum of 12,625 dollars on account of the territorial Revenue, which I hold subject to your instructions.

7. I have lately received a communication from Mr. Travailot, a gentleman who has resided for some months past in the Couteau Gold Diggings. He represents the country as exceedingly rich, and abounding in gold, fully to as great an extent as California in its better days.

8. The returns given in his report refer to "Morman Bar," in the bed of Fraser's River, six miles above the junction of Thompson's River, and state the produce as follows, viz. :—

	Dollars.
One rocker yielded in 8 days a quantity of gold dust equal in value to	830·0
A second rocker yielded in 12 days	800·0
A third rocker yielded in 5 days	248·0

9. The second table shows the yield procured from the "Dry Diggings," on the table land at the distance of 30 yards from the bed of Fraser's River, at the "Fountain," 64 miles above the junction of Thompson's River, and gives the following as the average

Enclosure 1.

BRITISH
COLUMBIA.

daily return of each of five rockers, employed there for seven days between the 1st and 7th of June instant:—

	Dollars.	Cents.	
1st rocker	42	12	return per diem.
2d "	55	58	"
3d "	37	69	"
4th "	46	58	"
5th "	54	51	"

It may perhaps be necessary to explain, that the rocker is a machine for washing out gold made in the form of a child's cradle, and fitted with perforated plates of iron and transverse bars of wood to intercept the pieces of gold, in the process of washing.

Those referred to in the foregoing statement were worked by two white men, which gives a daily return ranging from 18 to 27 dollars to the man.

Enclosure 2.

10. Mr. Travaillot's report is important, in consequence of its being the first authentic information received of gold being discovered in the soil, apart from the river beds.

11. I have thus much pleasure in communicating for your information that every succeeding report tends to confirm the belief as to the great value and extent of the auriferous deposits in this country.

12. I have appointed Mr. Travaillot Revenue officer for the District of Fort Dallas, or Forks of Thompson's River, and will authorize him: to issue licences to miners, and to collect the legal fees in that District. The law must, however, be imperfectly executed until there be a military force placed at my disposal.

13. I will authorize Mr. Travaillot to raise and maintain a force of eight men for the service of Government, and to swear in all persons who take out mining licences as special constables, for the maintenance of law and order, granting to them also certain privileges in respect to mining claims, in order to secure their fidelity and attachment.

14. About two thirds of the emigrants from California are supposed to be English and French; the other third are Germans, and native citizens of the United States. There is no congeniality of feeling among the emigrants, and provided there be no generally felt grievance to unite them in one common cause there will, in my opinion, always be a great majority of the population ready to support the measures of Government.

I have, &c.

The Right Hon. Lord Stanley, M.P.,
&c. &c. &c.(Signed) JAMES DOUGLAS,
Governor.Enclosure 1 in
No. 6.

Enclosure 1 in No. 6.

FORMS.

Victoria,

1858.

No.

Received from
Mining Licence, in advance.

the sum of five dollars in payment of one month's

FORM.

Not transferrable.

No.

185 .

The bearer,

having paid to me the sum of twenty-one shillings, on account of the territorial revenue, I hereby license him to dig, search for, and remove gold on and from any such Crown lands within the Couteau and Fraser's River districts as shall be assigned to him for that purpose by any one duly authorized in that behalf.

This licence to be in force for three months, ending _____ and no longer.

Received

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Received

Regulations to be observed by the persons digging for gold, or otherwise employed at the Gold Fields:—

1. This licence is to be carried on the person; to be produced whenever demanded by any commissioner, peace officer, or other duly authorized person.

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BRITISH
COLUMBIA.

2. It is especially to be observed that this licence is not transferable, and that the holder of a transferred licence is liable to the penalty for misdemeanour.
3. No mining will be permitted where it would be destructive of any line of road which it is necessary to maintain, and which shall be determined by any commissioner, nor within such distance around any store as it may be necessary to reserve for access to it.
4. It is enjoined that all persons on the gold fields maintain a due and proper observance of Sundays.
5. The extent of claim allowed to each licensed miner is twelve feet square, or 144 square feet.
6. To a party consisting of two miners, twelve feet by twenty-four, or 288 square feet.
7. To a party consisting of three miners, eighteen feet by twenty-four, or 432 square feet.
8. To a party consisting of four miners, twenty-four feet by twenty-four, or 576 square feet; beyond which no greater area will be allowed in one claim.

CONDITIONS OF SUFFERANCE.

- 1st. That the owner of this boat does bind himself to receive no other goods on board but such goods as belong to the Hudson's Bay Company.
- 2nd. That the said owner also binds himself not to carry or import gunpowder, ammunition, arms, or utensils of war, except from the United Kingdom.
- 3rd. That he also binds himself to receive no passengers, except the said passengers do produce a gold mining licence and permit from the Government of Vancouver's Island.
- 4th. That the said owner also binds himself not to trade with Indians.

Enclosure 2 in No. 6.

Enclosure 2 in
No. 6.

COPY of a Letter from Mr. TRAVAILLOT to Governor DOUGLAS, dated Victoria, Vancouver's Island, 24th June 1858, with Enclosure.

MONSIEUR,

CONFORMEMENT à vos désirs j'ai l'honneur de vous envoyer ci-joint le net produit de quelques rockeurs installés sur la Rivière Fraser. Ayant moi-même pesé jour pour jour la poudre d'or retirée par les mineurs, je puis vous donner ces renseignements comme parfaitement authentiques.

Veuillez agréer, Gouverneur, l'expression de la haute considération avec laquelle j'ai l'honneur d'être

De votre Excellence

Le très humble et dévoué serviteur,

(Signé) O. TRAVAILLOT,

C. L. C.

Morman Bar, Fraser's River, six milles au nord des Fourches Thompson's River.

Mars de Février 1858 : Un rockeur a donné, en 8 jours, 830 dollars.

Un second rockeur a donné, en 12 jours, 800 dollars.

Mars 1858 : Un troisième rockeur a donné, en 5 jours, 248 dollars.

TABLEAU indiquant jour par jour le produit de 5 rockeurs établis à la Fontaine, 64 milles au nord des Fourches :—

Jun 1858.	1st Rockeur.	2nd Rockeur.	3rd Rockeur.	4th Rockeur.	5th Rockeur.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1	38	50	42	40	50
2	40	51	38	29	51
3	41	53	29	50	52
4	28	55	18	33	56
5	32	60	51	64	53
6	64	62	39	58	55
7	52	58	18	52	64
Totaux	295	389	268	326	381
Average par jour	42.12	55.58	37.699	46.58	54.41

Dans tous les travaux faits le mercure n'a jamais été employé, et conséquemment, vu l'extrême finesse de la poudre d'or, nul doute qu'un sixième ou moins a été perdu.

BRITISH
COLUMBIA.
No. 7.

No. 7.

COPY of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.
(No. 31.)

Victoria, Vancouver's Island, July 26, 1858.
Received September 10, 1858.)
(Answered, No. 20, September 16, 1858, page 65.)

MY LORD,

Enclosure.

1. I HAVE the honour of transmitting herewith copies of correspondence with Captain Prevost of Her Majesty's Ship "Satellite," touching the enforcement of the Revenue laws and licence regulations applicable to Fraser's River.

2. Your Lordship will observe that he has on all occasions cordially responded to my demands, and given such aid and assistance in carrying out the views of this Government in preventing the lawless intrusion of foreign ships and people into Fraser's River as was consistent with the nature of his Instructions from Her Majesty's Government, and the demands upon his time of the special service on which the "Satellite" was detached to this coast.

3. In consequence, however, of the frequent, and, for the reasons before stated, necessary absence of the "Satellite" from Fraser's River, there have been many evasions of the law, by means of canoes and other small craft, which have stealthily entered and ascended Fraser's River without a Customs' permit or the pre-payment of a month's advance on the mining licence of each miner, as required by the existing regulations.

4. I therefore much regret that I have not a permanent force under my control, for the protection of the Revenue laws of the country, as they would in that case produce a return far exceeding the expense of maintaining such a force, besides upholding the moral influence of Her Majesty's Government.

5. The regulations we have established, and which we seek to enforce in the Fraser's River District, are only such as have reference to my Instructions from Her Majesty's Government, and to the rights of the Crown with respect to minerals in their natural place of deposit.

6. I will, for your Lordship's information, concisely enumerate the objects we wish to attain through those regulations:—

In the first place, I have distinctly, and to all applicants for land, refused the grant of any rights of occupation, in accordance with the Instructions from Mr. Secretary Labouchere, as detailed in his Despatch, No. 4. of the 1st February 1858, and also with with the view of preventing the confusion and numberless evils that have in all cases grown out of the practice of squatting on Crown lands, or the lawless occupation of a country;

2ndly. I have endeavoured to protect the trading rights of the Hudson's Bay Company as by law established;

3rdly. I have established the system of issuing licences for digging gold, the charge for each mining claim of 25 feet of river frontage, or 20 square feet of river bar or dry diggings, being fixed at 21s. or five dollars a month, the Revenue derived from this source being held for the benefit of the Crown.

There are also regulations respecting the draining of water ponds and working quartz veins which will, I trust, hereafter yield a large amount of Revenue for the Crown.

7. To carry those objects into effect I have appointed the following officers:—

Assistant Commissioners of Crown Lands.

O. T. Travaillot - - Thomson's River.
Richard Hicks - - Fort Yale.

Justice of the Peace.

George Perrier - - District of Hill's Bar.

Revenue Officer.

William Henry Bevis - - Fort Langley.

And others will be appointed as soon as fit and trusty persons can be found to fill those offices with credit and respectability.

8. I propose to pay those officers out of the Revenue raised in this country.

9. With the exception of the aid received from Her Majesty's Ship "Satellite" operating on the sea coast, I have had no military force whatever to employ in the interior of Fraser's River, which is now occupied by a population little short of 9,000

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white miners, and hundreds of other persons are travelling towards the Gold Mines, and preparing to join them.

10. The country, nevertheless, continues quiet; and, notwithstanding our want of physical force, I have not scrupled in all cases to assert the rights of the Crown, and to enforce the laws of the land for the punishment of offences; and we have, thanks to the Almighty, encountered neither resistance nor opposition in the discharge of those sacred duties.

11. To supply the mining population of Fraser's River with food, we have licensed two American steam vessels to ply upon the waters of Fraser's River, and one of those vessels has succeeded in reaching the Falls, or Fort Yale, about one hundred and thirty miles from the discharge of the Fraser into the Gulf of Georgia.

12. The agents of the Hudson's Bay Company have laid in large quantities of mining tools and provisions for the use of the miners, which they supply at merely remunerative prices, greatly to the advantage and satisfaction of the mining population.

13. Notwithstanding the great number of people assembled in Fraser's River, it does not appear that there has been a large production of gold, as most of the river bars are still inundated: nevertheless the miners have unwavering faith in the richness of the country, and are in great spirits in anticipation of an early fall in the river.

14. I have accounts of 5,000 ounces of gold dust which have been actually exported from Fraser's River since the month of May last, and we have estimated that as much as half that quantity has been carried away in small quantities by return miners, comprising, as I believe, the whole export of gold dust for that period.

15. We are therefore led to believe that the miners are hoarding up their gold dust, either from not being in immediate want of supplies, or more probably from not knowing how to remit or where to place it in security, and for that reason, among many others, I am considering the ways and means of having their earnings conveyed to the sea coast under Government escort, and placing them in charge of a public treasurer, until they are called for by the depositors, the conveyance and other expenses to be defrayed by a charge on the deposits.

16. The advantages expected from that measure are manifold. We hope, for instance, to draw the gold by that means to this Colony, from whence, instead of being exported to other countries, it will find its way to England in return for our own home manufactures.

17. Another important object I have in view is the improvement of the internal communications of the country, which at present are, for all practical purposes, nearly inaccessible beyond Fort Yale, in consequence of a range of mountains running north and south, which there interpose an almost insurmountable barrier to the progress of trade.

18. To the eastward of that range of mountains the country is open, and comparatively level, and the construction of good roads would be a matter of easy accomplishment; in fact, it is even at present almost every where accessible for pack horses.

19. It is therefore evident that the construction of a good road through that mountain barrier, though passable in the first instance only for pack horses, would be of prodigious advantage to the country; and such a road might, I think, be carried through the valley of Harrison's River, at a moderate expense, to a point near the Great Falls of Fraser's River, to the eastward of the mountains in question, from whence the country is easy of access; and should no Instructions militating with that design be in the meantime received from Her Majesty's Government, I will probably make the attempt in course of the present summer.

20. I am not without cause looking forward most anxiously to receiving your Instructions respecting the plan of Government for Fraser's River. The torrent of immigration is setting in with impetuous force, and to keep pace with the extraordinary circumstances of the times, and to maintain the authority of the laws, I have been compelled to assume an unusual amount of responsibility. I trust, however, from the present hasty review of the reasons which have influenced my public measures, that they will meet with the approval of Her Majesty's Government.

The Victoria Gazette of the 24th instant, which I herewith transmit, will give much interesting information respecting the Gold Mines and other public matters.

I have, &c.

(Signed) JAMES DOUGLAS,
Governor.

The Right Hon. Lord Stanley, M.P.,
&c. &c.

BRITISH
COLUMBIA.

Enclosure 1 in No. 7.

COPY of LETTER from Governor DOUGLAS to JAMES C. PREVOST, Esquire, Captain H.M.S.
"Satellite," dated Victoria, Vancouver's Island, 15th May 1858.

SIR,

I TRANSMIT herewith, for your information, copy of a Proclamation lately issued, in consequence of reported violations of the British territory by foreign boats and vessels, and of infringements of the chartered rights of the Hudson's Bay Company, warning all persons that such acts are contrary to law, and that whosoever takes part in them will be subjected to the penalties which the law denounces against such offenders.

No military force being maintained by this Colony, I am under the necessity of calling upon you to furnish an effective force for the purpose of carrying out the measures proposed and set forth in my Proclamation, and generally to enforce obedience to the laws.

I have also to inform you that I propose leaving this Colony for a short time, on an excursion to the Falls of Fraser's River, for the purpose of inquiring into the state of the country, and ascertaining, as far as can be effected from personal observation, the character of the navigation to that point, subjects in respect to which Her Majesty's Government are especially desirous to obtain information; and I think it desirable that you should accompany me on that journey, and that the "Satellite" should proceed at the same time to Point Roberts, as an imposing display of force at that point will have a powerful moral effect, and prevent much future evil.

I have, &c.
(Signed) JAMES DOUGLAS,
Governor.

COPY of a LETTER from JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," to Governor
DOUGLAS, dated Esquimalt, 18th May 1858.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 15th instant, transmitting for my information a copy of a Proclamation lately issued, in consequence of reported violations of British territory by foreign boats and vessels, and requesting, as there is no military force maintained by this Colony, that I will furnish an effective force for the purpose of carrying out the measures proposed; and informing me of your intention of leaving the Colony for a short time on an excursion to the Falls of Fraser's River, with the object of inquiring into the state of the country, and proposing that I should accompany you on that journey, and that the "Satellite" should proceed with us as far as Point Roberts, as you deem that an imposing display of force at that point will have a powerful moral effect, and prevent much future evil; and also forwarding for my information the copy of a letter which you have recently addressed to the Commander-in-Chief on the Pacific Station, in which the circumstances attendant upon the discovery of gold on Fraser's River, and the causes which have led to your present action, are more fully detailed.

In reply thereto I beg your Excellency will permit me to assure you, that under the peculiar circumstances in which you are placed, and the self-evident and urgent necessity that exists for the assertion and preservation of the rights of territory, I shall be most ready to co-operate with you in any way, and to afford you any assistance that I may be able, and that it may be within the limits of my power to grant; but, as your Excellency is aware, the "Satellite" is employed on a particular and special service, which has claims upon her prior to all others, and therefore the assistance I can at present render is very limited. For the next fortnight, however, the deviation of the ship from her particular duties will not be of any consequence, and therefore I am able to accede to your Excellency's requisition regarding the display of the ship at Point Roberts, and I shall be able to accompany you in person upon your proposed visit to the neighbourhood of the Gold Regions. I therefore propose to quit this anchorage to-morrow morning, and to proceed in the "Satellite" to Point Roberts, where I will await further communication from your Excellency.

I have, &c.
(Signed) JAMES PREVOST,
Captain H.M.S. "Satellite."

COPY of LETTER from Governor DOUGLAS to JAMES C. PREVOST, Esquire, dated Hudson's Bay
Company's Steamer "Otter," off Point Roberts, 21st May 1858.

SIR,

I HAVE further to communicate, for your information in respect to the enforcement of the Revenue laws in and about the entrance of Fraser's River, that it is my present intention to appoint Augustin Welling, now residing at Fort Langley, to the management and collection of the Customs for the district of Fraser's River, and the performance of all duties connected with that office. He will require the assistance of a well-appointed military force in support of his authority, as the British frontier is now violated by American vessels in the most open manner.

I have, therefore, in the Queen's name, to request that a detachment, sufficiently strong to maintain, if requisite, by force of arms, the authority of the laws, may be furnished from Her Majesty's ship "Satellite," now under your command, and directed to proceed without delay to Fort Langley, in tow of the Hudson's Bay Company's propeller "Otter."

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I also herewith transmit, for your information, copy of a Despatch which I addressed to Rear-Admiral Baynes on the 12th of May last, which will further explain the motives which have induced me to make this requisition on you.

BRITISH
COLUMBIA.

I have, &c.
(Signed) JAMES DOUGLAS,
Governor.

COPY of LETTER from JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," to Governor DOUGLAS, dated Point Roberts, 22d May 1858.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch, dated Hudson's Bay Company's steamer "Otter," off Point Roberts, 21st May 1858, acquainting me of your intention to appoint a collector of Customs for the district of Fraser's River, and requesting that a detachment, sufficiently strong to maintain, if requisite, by force of arms the authority of the laws, may be furnished from Her Majesty's ship "Satellite," to support the collector in the exercise of his office, as the British frontier is now violated by foreign vessels in the most open manner.

2. In reply thereto I have to acquaint you, that I purpose to take my gig with me on our excursion up Fraser's River, and I have now ordered the launch of the "Satellite," with her crew, and a detachment of marines consisting of one non-commissioned officer and four privates, to be ready to accompany us as far as Fort Langley. The launch will be in the charge of Lieutenant Good of the "Satellite," and he will be instructed to pay due attention to any requisitions the collector of Customs may make to him.

3. I trust that the presence of this boat in the river will have the desired effect of preserving order, and that there will be no necessity to require her to have recourse to active measures for the enforcement of the law.

4. As I have already explained to your Excellency in my Despatch of the 18th instant, the "Satellite" has special duties to perform, and as for the execution of those duties, I am necessitated to return in the course of a fortnight to Vancouver's Island, I shall be obliged to withdraw the launch from Fraser's River upon the departure of the ship from Point Roberts.

I have, &c.
(Signed) JAMES C. PREVOST,
Captain H.M. Ship "Satellite,"
and Senior Naval Officer present.

COPY of Letter from JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," to Governor DOUGLAS, dated Esquimalt, Vancouver's Island, 9th June 1858.

SIR,

ON the receipt of the last mail from England, upon my return to this anchorage, I find that the services of the "Satellite," in connection with the special duty upon which she is employed, are not likely to be called into requisition until about the end of the present month, I shall therefore, until that time, be ready to render you any assistance that I may be able in regard to the preservation of territorial rights and the maintenance of the laws, under the peculiar and unforeseen circumstances consequent upon the discovery of gold in Fraser's River, as alluded to in your Despatch of the 15th May 1858, and in my reply thereto of the 18th May.

I have, &c.
(Signed) JAMES C. PREVOST,
Captain H.M.S. "Satellite," and Senior Officer
present at Vancouver's Island.

COPY of Letter from Governor DOUGLAS to JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," dated Victoria, Vancouver's Island, 14th June 1858.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 9th instant, informing me with reference to my letter to you of the 15th ultimo, and to your reply thereto of the 18th ultimo, that in consequence of the special duty upon which the "Satellite" is employed not requiring her services until about the end of the present month, you can until that time render me any assistance that you may be able in regard to the preservation of territorial rights and to the maintenance of the laws, under the circumstances consequent upon the discovery of gold in Fraser's River.

In reply thereto, I beg to offer you my best thanks for your ready co-operation, and I would therefore request you would be good enough to proceed again with the "Satellite" to the entrance to Fraser's River, for the purpose of continuing the beneficial moral effect which I have every reason to feel sure has already been produced by her former display at that point; and I have also to request you will again detach the launch of the "Satellite" to proceed to Fort Langley with sufficient force, and instructions to the officer in charge of her to render all necessary assistance to the officer of the Customs at that place should he experience any opposition to the discharge of his duties.

In making this requisition, I am fully aware of the unusual and great temptations to desert to which those employed will be exposed; and of its being almost more than can be expected, that men, with no greater inducements than the ordinary remuneration of the service, can under such circumstances wholly resist the exciting and wonderful tales which are to be everywhere heard. I am therefore endeavouring to establish a fund to meet the necessary expenses of the Revenue

BRITISH
COLUMBIA.

service, and out of that fund I hope to be able to make an allowance of as much as one dollar per diem to every person belonging to the "Satellite" who may be actually and actively employed in boats in Fraser's River assisting in the discharge of the duties devolving upon the Revenue service.

I remain, &c.
(Signed) JAMES DOUGLAS.
Governor, Vancouver's Island.

COPY of a Letter from JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," to Governor DOUGLAS, dated Esquimalt, Vancouver's Island, 14th June 1858.

SIR,
I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, and in reply thereto beg to inform you that I shall be ready to proceed to-morrow morning with Her Majesty's ship under my command to the entrance of Fraser's River; but before quitting this anchorage in the ship, and before detaching the launch to Fort Langley, I am anxious distinctly to understand your Excellency's wishes, and to be in such a position as to prevent as far as possible any illegality of action on the part of those under my command, I beg therefore most respectfully to request your Excellency will be pleased to inform me whether you are desirous that, while the "Satellite" is lying off the entrance of Fraser's River, I should cause foreign boats and vessels to be prevented from proceeding up the river, unless provided with a surlicence from the Custom House at Victoria; and in such case I would request you would furnish me with the requisite authority for so doing, so that I could act under it should circumstances render such a course advisable. I have also to request your Excellency will supply me with a copy of the Instructions given to the Revenue officers in Fraser's River, so that I may give clear and definite orders to the officers I may detach to assist the Revenue officers in the maintenance of the same.

I have, &c.
(Signed) JAMES C. PREVOST.
Captain H.M.S. "Satellite," and Junior Naval Officer
present at Vancouver's Island.

COPY of Letter from Governor DOUGLAS to JAMES C. PREVOST, Esquire, Captain H.M.S. "Satellite," dated Victoria, Vancouver's Island, 15th June 1858.

SIR,
IN REPLY to your letter of yesterday's date, referring to my letter of the same date, and requesting that before you leave Esquimalt for Fraser's River, and before the launch of the "Satellite" is detached to Fort Langley, you may be distinctly informed of my wishes, and be placed in such a position as to prevent any illegality of action on the part of those under your command, I have the honour to refer you to my letter of the 15th ultimo, transmitting to you a copy of the Proclamation which I issued on the 8th May 1858; and I have to request that you will herby consider yourself duly and fully empowered to act to the best of your discretion and judgment to prevent any infringement of that Proclamation, and under such authority you will be justified in seizing and sending in for condemnation any foreign vessels that may be found in Fraser's River without proper papers and documents.

In reply to your further request, that you may be furnished with a copy of the Instructions given to the Revenue officers in Fraser's River, so that you may give clear and definite orders to the officers you may appoint to assist the Revenue officers in the maintenance of the laws, I beg to acquaint you that the Revenue officers are acting under the Revenue laws of the Empire, and under the law which secures to the Hudson's Bay Company the exclusive rights of trade, with reference to which they have no particular instructions, their course of action in following the requirements of the law being perfectly independent of me; but I have instructed them to carry out strictly the prohibitions of the before-mentioned Proclamation, and under that to seize all ships, boats, and vessels not being duly provided with a surlicence from the officer of Customs at Victoria, and a licence from the agent of the Hudson's Bay Company.

Canoes with miners, having only their mining tools, provisions, and necessary personal baggage, all being personal property, and not for purposes of trade, may be furnished with a pass and a licence receipt, obtainable at Fort Langley, upon the payment of the sum of five dollars for each of those documents.

I attach hereto copies of the forms of pass and licence receipt, and it would be a great benefit to Her Majesty's Service if you would be good enough to appoint some officer on board the "Satellite" to issue such documents in case of need, and to collect the sums due upon them. An allowance of five per cent. being granted by the Government in compensation for the trouble of so doing, and for furnishing a clear account of the passes and licences issued, and of the money received.

I have, &c.
(Signed) JAMES DOUGLAS.

FORM OF PASS.

1858.

The bearer of this is permitted to pass up Fraser's River in having the undermentioned provisions and tools on board, all declared to be personal property and for personal use.

(Seal.)

(Signature.)

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SIR,

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COPY of a DES

(No. 34.)

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COPY of LETTER from Governor DOUGLAS to Rear-Admiral BAYNES, Commander-in-Chief of Her Majesty's Forces in the Pacific, dated 12th May 1858.

BRITISH
COLUMBIA.

SIR,

I HAVE to acknowledge the receipt of your Despatch of the 27th of January last, informing of your appointment as Commander-in-Chief of Her Majesty's Naval Forces in the Pacific, and I received with much pleasure the assurance of your readiness and desire to attend to the suggestions I may from time to time have to make in furtherance of the Queen's Service.

I have very lately addressed a communication to the Right Honourable Secretary for the Colonies, directing his attention to the prodigious emigration of United States citizens and other foreigners, from California and Oregon, in consequence of the discovery of gold on Fraser's River within the British Possessions on this coast.

To prevent the entrance of those people into the British territory is, perhaps, altogether impossible with any force that could be collected within a reasonable time; but what may be easily accomplished is—to maintain the authority of the Government, to preserve the peace, to punish offences, and to enforce obedience to the laws, until Her Majesty's Government are in a position to take more decided steps for administering the Government of the country.

I therefore take the liberty of making application to you for a sufficient force to aid and assist in maintaining the Queen's authority, until further Instructions are received from England.

The "Satellite" and "Plumper" are both at present employed on this part of the coast, but being on special service I do not feel at liberty to tax them too severely for assistance, though I am convinced that both Captains Prevost and Richards will afford me every assistance in their power, but their means are limited.

I therefore think it highly necessary that the naval force in this quarter should be largely reinforced, especially as there is no limit to the possible amount of immigration into the Gold Region should the country prove productive; and I shall not be at all surprised if, in that case, there be an influx, in course of a few months, of twenty or thirty thousand people. I, as a matter of course, feel deeply anxious about the results which may arise in the altered circumstances of the country, and desirous of seeing such measures taken as may have the effect of protecting the interests of the British Crown.

I shall further address you from time to time as occasion may require.

With offers of our best service,

I have, &c.

(Signed) JAMES DOUGLAS,
Governor, Vancouver's Island.

No. 8.

COPY of a DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.

No. 8.

(No. 34.)

Victoria, Vancouver's Island, August 19, 1858.

(Received, October 11, 1858.)

(Answered No. 30, October 16, 1858, page 69.)

MY LORD,

I HEREBY transmit copy of a letter which I have lately received by Her Majesty's ship "Calypso," under the command of Captain Montresor, from Rear-Admiral Baynes, in reply to my communication to him of the 12th of May last, of which a copy was transmitted with my Despatches to your Lordship, informing Admiral Baynes of the large immigration of foreigners into this country and Fraser's River, and urgently recommending that the naval forces employed on this coast should be increased, with the view of protecting life and property, and maintaining the supremacy of the laws.

Enclosure.

2. I infer from Admiral Baynes's letter that he cannot furnish any additional force; neither does it appear from his letter that he entertains any hopes of being able to aid or assist in protecting the country; so that I am left to depend upon the casual aid received from the "Satellite" and "Plumper," whose excellent Commanders, Captains Prevost and Richards, have merited my warmest thanks for their cordial and zealous co-operation in all the protective measures adopted by this Government.

3. The settlements on the sea-board require no other protection than those ships can afford; but a force is wanted for the service of the interior, which can be spared neither from the "Satellite" nor "Plumper," both being here on special service, the latter on the coast survey, and the former for the objects of the Boundary Commission.

4. There are now about 10,000 foreign miners in Fraser's River, and upwards of 3,000 of that number are profitably engaged in gold mining.

I have appointed Sub-Commissioners to mark out the mining claims, and to receive the duty of 21s. a month payable on each claim. Those officers require support, and the miners demand protection, while I have not a single man to detach to either of their assistance.

5. The affairs of Government might be carried on smoothly with even a single company of infantry; but at present I must, under Providence, depend in a great measure on

No. 9.

Copy of DESPATCH from Governor DOUGLAS to the Right Hon. Lord STANLEY, M.P.
(No. 35.)

Victoria, Vancouver's Island, August 27, 1858.

(Received October 11, 1858, p.)

BRITISH
COLUMBIA.
No. 9

My Lord,

1. Since I last addressed you on the 19th instant,* an alarming report reached this place of the murder of 42 miners by the Indians of Fraser's River, and I, in consequence, made a requisition on Major Hawkins, Her Majesty's Commissioner for determining the land boundary, for an officer and ten men, and for an equal force respectively on Captain Prevost of Her Majesty's ship "Satellite" and Captain Montresor of Her Majesty's ship "Calypso," so as to form a force of 33 officers and men to proceed with me to the scene of the disaster.

2. That alarming report has since been contradicted in a Despatch from Mr. Hicks, Her Majesty's Sub-Commissioner of Crown lands for the District of Port Yale, who states that two men only were killed by the Indians, instead of the larger number previously reported. I am nevertheless preparing for an excursion to Fraser's River, with a small military force of 35 men, composed of 15 Sappers and Miners furnished by Major Hawkins, and Lieutenant Jones with 20 Marines, kindly furnished by Captain Prevost of Her Majesty's Ship "Satellite."

3. Major Hawkins has decided on accompanying me to Fraser's River, and will command the military force.

4. The object I have in view by undertaking that journey is the enforcement of such laws as may be found necessary for the maintenance of peace and good order among the motley population of foreigners now assembled in Fraser's River, and also practically to assert the rights of the Crown, by introducing the levying of a licence duty on persons digging for gold, in order to raise a revenue for the defence and protection of the country.

5. The military force is absurdly small for such an occasion, but I shall use every exertion in my power to accomplish the great object in view, and to assert the rights of my country, in hopes that early measures will be taken by Her Majesty's Government to relieve the country from its present perilous state.

I transmit for your information the requisition I made on Captain Montresor, and his reply thereto.

I have, &c.

The Right Hon. Lord Stanley, M.P.
&c. &c. &c.

(Signed) JAMES DOUGLAS,
Governor.

Enclosure 1.
Enclosure 2.

Enclosure 1 in No. 9.

Enclosure 1 in
No. 9.

Sir,

Victoria, Vancouver's Island, August 24, 1858.

INTELLIGENCE has just been received here of an alarming collision between white miners and the native Indian Tribes of Fraser's River.

A sanguinary war of races, the inevitable consequence of a prolonged state of misrule, may plunge the Government into the most serious difficulties, unless steps be immediately taken to avert the evil.

I therefore propose to visit that country as soon as the necessary arrangements can be completed.

A military force is essentially necessary on that occasion, to represent and sustain the dignity of the Queen's Government; and I make this appeal to you, sir, in Her Majesty's name, for a detachment of one officer and ten marines from Her Majesty's ship "Calypso," to be placed at my disposal for that service.

I have, &c.

Captain Montresor, R.N.,

H.M. Ship "Calypso," Esquimalt.

(Signed) JAMES DOUGLAS, Governor.

Enclosure 2 in No. 9.

Enclosure 2 in
No. 9.

Sir,

Her Majesty's Ship "Calypso," Esquimalt,
Vancouver's Island, August 24, 1858.

IN reply to the requisition I had the honour to receive from your Excellency this afternoon, I beg leave to state that my orders from the Commander-in-Chief give me no discretionary powers, as to prolonging my stay at Vancouver, and that, owing to the "Satellite" not having arrived at Esquimalt for some days after the "Calypso," I have already exceeded the stay I originally intended to make.

Under these circumstances, I deem it my duty to proceed to sea to-morrow morning. I have, however, consulted Captain Prevost as to the number of marines that can be spared from the

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BRITISH
COLUMBIA

"Satellite," and have recommended that an officer and 20 men should be placed at your disposal; and I have no doubt that on his receiving a similar requisition to that forwarded to me, Captain Prevost will consider it his duty to act as I have advised.

His Excellency James Douglas, Esq.,
Governor, Vancouver's Island,
&c. &c. &c.

I have, &c.
(Signed) F. B. MONTRESOR,
Captain Her Majesty's Ship
"Calypso," and senior officer
present at Vancouver's Island.

No. 10.

No. 10.

Copy of DESPATCH from Governor DOUGLAS to the Right Hon. Sir E. B. LYTTON,
Bart.

(No. 37.)

Victoria, Vancouver's Island, August 30, 1858.

(Received October 14, 1858.)

(Answered, October 14, 1858, page 67.)

SIR,

Enclosure 1.
Enclosure 2.
Confidential.

I HEREWITH transmit, for the information of Her Majesty's Government, copy of the Instructions issued to the Assistant Gold Commissioner to be employed in Fraser's River, and also a Proclamation issued on the 25th instant, establishing Harbour Regulations, and for the regulation of boats and other small craft employed on the coasts of Vancouver's Island, which I trust may meet with the approval of Her Majesty's Government.

I have, &c.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

(Signed) JAMES DOUGLAS,
Governor.

Enclosure 1 in
No. 10.

Enclosure 1 in No. 10.

INSTRUCTIONS TO ASSISTANT GOLD COMMISSIONERS.

1. You will on the first and following days of each month commence issuing licences in your district, receiving payment for the same in money or gold dust. You will commence at the portion of the diggings which is most convenient, marking out at the time of giving the licence the boundaries of each party, on the following scale, namely:

On every river, twenty-five feet frontage to each person licensed.

On every creek and ravine, twenty-five feet to either side of the stream or ravine to each person licensed.

On table land or river flats, constituting dry diggings, twenty feet square to each person licensed.

Those allotments are to be marked consecutively, where practicable; and you will enter in a book, in the form annexed (B.), the descriptions of the localities allotted, with the names of the parties. You will append to such book a rough chart of the ground, giving names, for the convenience of reference, to the more prominent portions of the ground.

2. You will be furnished with blank licences; and requisitions are to be made by you on the Colonial Storekeeper for such further licences as may be necessary, care being taken that your demand is made sufficiently early to enable that officer to forward them to you by the time they are required. You will fill up and deliver the licences to the parties at the Gold Fields, entering their names, and receiving the prescribed fees; and you will make half-monthly payments direct to the territorial Treasurer in of the amount collected by you for licences, accompanied by statements in duplicate of the particulars. You will also make a return to me of the number of licences issued, and the amount received, as well as of the number remaining of the blank licence forms.

For any expense which you may be authorized to incur, accounts should be rendered to me as early as practicable, and if found correct I will prepare a warrant authorizing payment of them to be made to the parties or their agents.

In such cases as it may be deemed expedient to make payment for any supplies earlier than can be done in this way, an advance will be made to you for the purpose, with the understanding that it will be adjusted by a certain time, to be named in your application for it, specifying the general objects for which it is required, and that you will be held responsible for the amount, until this has been done by the passing of the accounts for the expenditure at the Audit Office.

3. You will at the same time forward to me the monthly abstracts of the salaries of your Establishment, including authorized accounts for rations.

4. You will in all respects carry out the General Regulations, of which copies are annexed, reporting any temporary deviations which circumstances may render inevitable. You will especially report upon the applications made to you by companies or individuals under the 3rd and 7th clauses of the Regulations of the 13th July 1858, that the necessary steps may be at once taken to carry out their objects.

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5. You will be furnished with a chest, for the security of gold and money received by you, and it is desirable that in your temporary absence the same should be given to the care of the serjeant of your party. You will take care that the barracks or tents are not at any time left without a sufficient guard, and you will keep a sentry on the ground at all times, day and night.

6. You will settle all disputes between licensed occupiers of the Gold Fields, visiting the spot in dispute with as little delay as possible. It is most desirable that every dispute should be instantly investigated and settled, that disputants may not have the temptation to redress their grievances themselves.

7. You will keep copies of all correspondence and accounts, reporting to me the particulars of the gold received by you, and sent by escort to _____ or elsewhere.

8. You will keep me informed at all times with the particulars of the Gold Fields in your district, including the number of persons, the number licensed, and the general prospects of the place.

9. As soon as practicable you will divide your district into separate beats, assigning to each man a particular locality. By this means he will soon become acquainted with every person on his beat, and more readily detect unlicensed diggers.

Victoria, Vancouver's Island, July 1st, 1858.

E. B. LYTTON,

August 30, 1858.

(page 67.)

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No. 2.	-	-	-	John Hinds, Robert Smith, &c.
No. 3.	-	-	-	William Trow, George Horin, &c.
No. 4.	-	-	-	&c. &c. &c.
Mormon Bar.				
No. 1.	-	-	-	Thomas George, Robert Tom.
No. 2.	-	-	-	&c. &c. &c.
Great Falls.				
No. 1.	-	-	-	George Gray, Philip Jones.
No. 2.	-	-	-	&c. &c. &c.
Fountain.				
No. 1.	-	-	-	William Par, Thomas Quill.
No. 2.	-	-	-	George Robin, &c.

POLICE REGULATIONS.

Your Establishment will consist of six men; namely, a serjeant at one dollar and a half, and the remainder at one dollar per diem each, with rations (two shillings) and with clothing.

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

You will carry out the general Police business of your district, taking especial care that drinking and gambling, and other disorders, are as much as possible put down. The serjeant of your party will also act as chief constable, and his duties will be those ordinarily belonging to such officers.

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

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

Fort Langley, July 13, 1858.

GENERAL REGULATIONS FOR GOLD DISTRICT.

1. With reference to the Proclamation of his Excellency the Governor, bearing date the 25th day of December last, and to the notice from this office of the 30th of the same month, his Excellency directs it to be notified that the licences issued in accordance therewith, to dig, search for, and remove gold found in its natural place of deposit, will in future be limited in their operations to alluvial gold, whether consisting of dust, grain, scale, or lump gold, and will not extend to matrix gold, combined with quartz or any other rock remaining in its original bed or situation.

2. Previously to the working of any such matrix gold, notice must be given to and a written permission obtained from the Commissioner of the Gold District, who will require such security and make such arrangements for the protection of the public interests as he may deem necessary.

If the parties concerned fail to give the required notice or security, or to observe the conditions prescribed by that officer, all such matrix gold, and also all alluvial gold of every kind procured without due authority, will be seized as the property of the Crown, in whose possession soever it may be found, and the persons offending will render themselves liable to be prosecuted for the offence.

3. Persons desirous of working auriferous quartz veins may make application in writing to the Commissioner of the Gold District, accurately describing the locality. Such application shall be

BRITISH
COLUMBIA.

immediately recorded by such officer in a book to be kept for that purpose, which shall be open at all reasonable times for the inspection of applicants.

In case no previous application shall have been made as above directed, and should there be no valid objection to the proposal, the Commissioner shall notify to the applicant his acceptance of the same. The applicant shall then enter into a bond, binding himself and two or more sufficient sureties to the satisfaction of the Government, jointly and severally in the sum of two thousand pounds, to pay a royalty of ten per cent. on all gold obtained from any part of the land within the limits of his claim, to an officer to be appointed for that purpose by the Government. That rate will be computed on the actual produce, valued at 3*l.* 4*s.* per oz., if procured by separation only, and per oz. if by amalgamation.

He shall further be bound to permit such officer to reside on the land in the neighbourhood of the works, at such spot as may be assigned by the Commissioner, and also to give such officer access at all reasonable times to the buildings or premises, and to all books and accounts connected with the production of gold, also to give all necessary facilities for the collection of the royalty, daily or weekly, as may be found most desirable.

4. All buildings, machinery, or other improvements erected or made on the land shall be considered as additional security for the due performance of the conditions of the bond.

5. The above claim shall consist of half a mile of and in the course of the vein, with fifty yards reserved on each side of such vein for building and other purposes.

The right of cutting and using timber for building purposes or for fire-wood from adjacent Crown lands, as well as access to neighbouring water, shall also be conceded.

The duration of the claim shall be three years, which shall, however, be extended for such further period as upon receipt of instructions from Her Majesty's Government may be determined upon, having due regard to the interests of the party concerned. At the expiration of the term of their holding, or on the termination of their tenure sooner, by consent of the Government, the parties shall have liberty to remove all buildings, machinery, or other improvements erected or made by them, and a reasonable time shall be allowed for that purpose; provided always, that the conditions of the bond shall have been duly fulfilled.

6. A claim such as above shall be forfeited,—by the failure of the applicant to enter within a reasonable period into the required bond; by his neglecting to pay the prescribed royalty at the time and in the manner required by the bond; by his not employing at least twenty persons on such claim within six months of the acceptance of his application for the same; by his ceasing to employ that number of persons on the works for the period of one month thereafter; by obstructing the officer in the proper performance of his duty, or in any way violating the terms of the bond. The vein shall then be open to selection by other parties.

7. Persons desirous of draining ponds or waterholes may make application in the mode above stated to the Commissioner or Assistant Commissioner of the Gold District, and shall be subject in all respects to the same regulations, with the exception that in the place of the payment of a royalty the applicants shall bind themselves to employ in each case the number of persons for whom the working of the claim would afford employment, as may be determined by the Government, on the report of the Commissioner, during the period of their occupation, and to take out a licence for every person so employed; and such claim shall be voided by the withdrawal of such number of persons from the work, unless in case of interruption by flood or other unforeseen accident.

8. The persons undertaking to drain any such pond or watercourse will not, however, be compelled to employ that number of persons during their occupancy, as required by this notice. It will be sufficient that during such occupancy they pay for licences for the full number of persons so fixed.

9. Where more than one application shall have been made for any pond or waterhole previously to the publication of these regulations, or shall hereafter be made on the same day, such pond or waterhole shall be put up to tender, the advance being on the existing rate of the licence fee; and it will be understood that such advance shall be paid on any number of persons employed, in addition to the number before determined.

10. Persons occupying portions of the Gold Field by erecting temporary buildings, tents, &c., and carrying on business in any way, shall pay a fee of thirty shillings monthly for the use of land so occupied by them, and they are required to pay the sum on demand, and in advance, to the officer appointed to receive payment of licence fees.

11. Persons desiring of establishing claims to new and unoccupied ground, by working in the ordinary method for alluvial gold, may have their claims marked out on the following scale, namely:—

1. Twenty-five feet frontage on rivers to each person.
2. Twenty-five feet of the bed of a creek or ravine to each person.
3. Twenty feet square of table land or river flats to each person.

Every such claim shall be voided by the failure on the part of the claimant to work the same within ten days after the date of his acceptance: and persons found working on such or any other ground, without having previously paid the licence fee to the proper officer, shall pay double the amount for such licence, and in default be proceeded against in the usual manner.

The Commissioner or Assistant Commissioner is empowered to make such temporary regulations as may be necessary to prevent inconvenience to other licensed persons from the carrying on operations of the above nature.

Issued at Fort Langley, this 13th day of July 1858.

By His Excellency's Command

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(No. 39.)

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Government House, Victoria, December 30, 1858.

WITH reference to the Proclamation issued on the 28th of December, declaring the rights of the Crown in respect to gold found in its natural place of deposit within the Districts of Fraser's River and of Thompson's River commonly known as the Quatlan, Couteau, and Shuswap countries, His Excellency the Governor has been pleased to establish the following provisional regulations under which licences may be obtained to dig, search for, and remove the same:—

- 1st.—From and after the 1st day of February next, no person will be permitted to dig, search for, or remove gold on or from any lands, public or private, without first taking out and paying for a licence in the form annexed.
- 2d.—For the present, and pending further proof of the extent and productiveness of the gold deposits, the licence fee has been fixed at twenty-one shillings per month, to be paid in advance; but it is to be understood that the rate is subject to future adjustment, as circumstances may render it expedient.
- 3d.—The licences can be obtained at Victoria, Vancouver's Island, until a Commissioner is appointed by His Excellency the Governor to carry those regulations into effect, and who will be authorized to receive the fee payable thereon.
- 4th.—Rules adjusting the extent and position of land to be covered by each licence, and for the prevention of confusion, and the interference of one licensed with another, will be regulated by the said Commissioner.

FORM OF GOLD LICENCE.

No. _____, 185 .
The bearer _____, having paid to me the sum of twenty-one shillings on account of the territorial Revenue, I hereby license him to dig, search for, and remove gold on and from any such Crown land within the _____ of _____ as I shall assign to him for that purpose, during the month of _____ 185 . This licence must be produced whenever demanded by me, or any person acting under the authority of the Government.
Signed) A.B. Commissioner.

Enclosure 2 in No. 10.

Enclosure 2 in
No. 10.

PROCLAMATION

By His Excellency JAMES DOUGLAS, Governor of Vancouver's Island and its Dependencies.

WHEREAS by law all mines of gold, and all gold in its natural place of deposit within the Districts of Fraser's River and of Thompson's River commonly known as the Quatlan, Couteau, and Shuswap countries, whether on the lands of the Queen or any of Her Majesty's subjects, belong to the Crown: And whereas information has been received by the Government that gold exists upon and in the soil of the said Districts, and that certain persons have commenced or are about to commence searching and digging for the same for their own use, without leave or other authority from Her Majesty:

Now I, James Douglas, the Governor aforesaid, in behalf of Her Majesty, do hereby publicly notify and declare, that all persons who shall take from any lands within the said Districts any gold, metal, or ore containing gold, or who shall dig for and disturb the soil in search of gold, metal, or ore, without having been duly authorized in that behalf by Her Majesty's Colonial Government, will be prosecuted, both criminally and civilly, as the law allows.

And I further notify and declare, that such regulations as may be found expedient will be prepared and published, setting forth the terms on which licences will be issued for this purpose, on the payment of a reasonable fee.

Given under my hand and seal, at the Government Office, Victoria, this twenty-eighth day of December in the year of our Lord One thousand eight hundred and fifty-seven, and in the twenty-first year of Her Majesty's reign.

Witness my hand and seal, at the Government Office, Victoria, this twenty-eighth day of December, 1858.

No. 11.

No. 11.

Copy of DESPATCH from Governor DOUGLAS to the Right Hon. Sir. E. B. LATTON, Bart.

(No. 39.)

Fort Hope, Fraser's River, September 9, 1858.

Sir,
(Received Nov. 29th, 1858).
I HAVE to acknowledge the receipt of your Despatch (confidential) of the 1st of July last*, and observe with feelings of indescribable satisfaction that Her Majesty's Government approve of the measures which I conceived it necessary to resort to, in order to assert the dominion of the Crown over the Gold Districts of Fraser's River, and the rights of the Crown over the precious metals.

Page 41.

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BRITISH
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2. The measures subsequently taken with the view of introducing public order and government into the Gold Regions, and reported to you in my later communication, being part of the same general system, will, therefore, I feel assured, also meet with the support of Her Majesty's Government.

3. The latter, like the initiatory measures, were introduced under the pressure of necessity, without adequate means, and, therefore, necessarily imperfect; but in adopting them we had solely the great object in view of protecting British interests, and developing the resources of the Gold Regions.

4. It was necessary for that purpose that we should maintain a proper control over the mixed multitude that have literally forced an entrance into the British Possessions; that Americans and other foreigners should, on certain conditions, be admitted into the Gold Regions; that stocks of food should be thrown into those districts; that, for want of British Ships, foreign vessels should, as a temporary arrangement, be allowed, under a sufferance, renewable at the close of each voyage, to navigate the inland waters of Fraser's River, for the purpose of supplying the miners with food and clothing; that roads should be opened, to render the Gold Districts accessible to the miner and to the merchant; that Courts of Law should be established, and officers appointed for the administration of justice, the punishment of offences, and the protection of life and property; and that the powerful native Indian Tribes who inhabit the Gold Regions should be at once conciliated and placed under proper restraint.

5. All this I have attempted to do, and I trust that Her Majesty's Government will see in those attempts only a profound desire on my part to promote the interests of the Empire, without any admixture of other motives.

6. I have duly weighed the important communications made in your Despatch respecting the views of Her Majesty's Government on this country, and I will use every means in my power to carry them fully into effect.

7. I understand from those Instructions, that you do not deem it advisable to compel the miners to take out mining licences for the present, and that no obstacle whatever is to be opposed to their resort to Fraser's River; that the national right to navigate Fraser's River is a question which Her Majesty's Government deems it proper to reserve; and that you enjoin caution and delicacy in dealing with those manifest cases of international relationship and feeling which are certain to arise, and which, but for the exercise of temper and discretion, may easily lead to serious complications between two neighbouring and powerful States; and that, finally, I am directed to exercise whatever influence and power I may possess in the manner best calculated to give development to the country and to advance Imperial interests.

8. I have to inform Her Majesty's Government, that, as a general rule, the taking out of licences by the miners of Fraser's River has not yet been enforced, except to the extent of levying on each miner leaving Victoria for the Gold Diggings the sum of five dollars for one month's mining licence in advance.

9. The object of that payment was to assert the rights of the Crown, and at the same time to form a fund to meet the current expenses of the Government; and my reason for not sooner enforcing the taking out of licences was the fact that I have no direct authority from Her Majesty's Government to impose taxes in the Fraser's River District, as my Commissions from the Crown extend only to the Colony of Vancouver's Island and to Queen Charlotte's Island; and I, moreover, felt satisfied of the inability of the miners to pay the tax during the high stage of Fraser's River, when the auriferous bars were inundated, and the miners consequently lying idle and entirely out of employment.

10. The river is now falling rapidly, and the miners in many places are doing well, and are able to bear the tax, though, as a general rule, the great body of the mining population are still unemployed, or barely making money enough to pay for their living. We shall, therefore, in consequence of your recommendation, grant them a further respite until their mining claims become more productive, and they can afford to pay the regular licence duty for digging gold.

11. As there is, however, no other means open to me of raising a revenue for defraying the expense of the officers and police employed on Fraser's River, and of opening roads and other necessary expenses connected with that country, and being, moreover, exceedingly anxious to avoid drawing on the Imperial Treasury, and to make the country bear, as much as possible, its own burdens, I established a regulation, before my departure from Vancouver's Island, with the consent of the agents of the Hudson's Bay Company, authorizing the importation of foreign goods of all kinds into Fraser's River, at an ad valorem duty of 10 per cent., to be levied at Victoria, the proceeds of which

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are to be exclusively applied to the service of Her Majesty's Government, and to meet the expenses of governing Fraser's River.

This course appears in all respects advisable, the duty being a fair and equitable tax, easily collected, and bearing equally on the consumers. I therefore trust it will meet with the approval of Her Majesty's Government.

12. I have to observe, for the information of Her Majesty's Government, that all foreigners, and especially American citizens, who have visited Fraser's River since the commencement of the gold excitement, have been treated with kindness, and protected by the laws. The rights of the Crown, as well as the trading rights secured by statute to the Hudson's Bay Company, have been broadly asserted in my several Proclamations, with the object of maintaining British supremacy, by establishing a moral control over the masses of foreigners, who, under the false impression that the country was free, and open to all nations, and that we had no military force at our disposal, were rushing defiantly and without ceremony into Her Majesty's Possessions; and we succeeded by that means in securing respect and obedience to the law, at a time when a policy of concession would have been mistaken for weakness, and have proved injurious to British interests.

13. I may also remark, that the wants of the mining population in Fraser's River have been abundantly supplied, both in respect of food and the other necessaries of life, as the miners were allowed to carry with them from Victoria an unlimited supply of food, mining tools, and clothing, even to the extent of a six months' stock, for their personal use, so that they are not under the necessity of making purchases from the stores of the Hudson's Bay Company, though they frequently do so, in consequence of getting a better quality of goods at a lower price than can be procured from other parties. In short, I think I may venture to assert that the miners, as a body, are satisfied with the kindness they have received from the authorities since their arrival in the British Territory.

14. Being now engaged in visiting the various districts of Fraser's River, with the intention of reporting to you on their present state and condition, and being exceedingly busy with various matters of detail, I will bring my present Despatch to a close, after informing you that the mining population in this quarter continue quiet, orderly, and submissive to the laws.

I have, &c.

(Signed) JAMES DOUGLAS,
Governor.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

No. 12.

Copy of DESPATCH from Governor DOUGLAS to the Right Hon. Sir E. B. LYTTON, Bart.

(No. 40.)

Victoria, Vancouver's Island, September 29, 1858.
(Received November 29, 1858.)

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch of the 1st of July*, marked "confidential," transmitting copy of a letter addressed to the Department over which you preside, by the Lords Commissioners of the Admiralty, informing you of the steps they proposed to take in consequence of the Gold Discoveries in Fraser's River; and you are pleased to add, for my particular information, that the officers commanding Her Majesty's Ships at Vancouver's Island would be directed to give me the fullest support, should the civil power require a force to maintain order among the adventurers resorting to the Gold Fields.

You also recommend caution in employing such force, on account of the obvious danger of the desertion of the men.

I have on this occasion to assure Her Majesty's Government that the considerable powers so placed in my hands will not be misapplied, nor rendered subservient to the promotion of any interests other than those which with unbounded confidence they have intrusted to my charge.

Though so long and intimately connected with the Hudson's Bay Company, I have uniformly striven, during my administration of the Government of Vancouver's Island, to dispense equal justice to all its inhabitants, and to avoid even the suspicion, so allowable in the circumstances, of undue influence being used on my part in favouring the objects of the Hudson's Bay Company. I was cautious even about enforcing the laws in respect to the rights of that association, which has in fact exercised no right

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nor enjoyed any privilege of trade or otherwise in this Colony that was not equally shared by every freeholder in the country.

Her Majesty's Government may also rely upon a proper and discreet use being made of the military and naval force at my disposal, and that it will not be called into action except in cases of extreme necessity; and also that all claims and interests will be rendered subordinate to the great object of peopling and opening up the new country, and consolidating it as an integral part of the British Empire.

I have given full consideration to your suggestion of inducing by conciliatory advances such of the American immigrants as appear to be respectable, and to possess influence with their fellow countrymen, to co-operate with me in preserving order; and I shall gladly avail myself of such aid, should it be at any time attainable.

I beg further to remark, that I feel under great obligations to Captain Prevost of Her Majesty's Ship "Satellite," and to Captain Richards, commanding the "Plumper," for their cordial and unflinching support in every emergency; and you will confer a great favour by causing this testimony of their zeal to be communicated to the Lords Commissioners of the Admiralty.

I have, &c.

(Signed) JAMES DOUGLAS,
Governor.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

No. 13.

No. 13. COPY of DESPATCH from Governor DOUGLAS to the Right Hon. Sir E. B. LYTTON, Bart.

(No. 42.)

Victoria, Vancouver's Island, September 30, 1858.

(Received November 29, 1858.)

Page 42.

SIR,

1. I have the honour to acknowledge the receipt of your Despatch No. 4*, of the 16th of July.

2. In the midst of the varied cares and anxieties that press upon me in the present conjuncture, it is no small consolation to learn from your Despatch that Her Majesty's Government feel assured of my zeal in the public service, and offer their firm support, in the performance of the arduous duties consequent on my present position; and I beg leave to say that I feel the value of that support, and deeply grateful for the confidence reposed in me.

3. I observe with satisfaction that Her Majesty's Government were engaged in conducting through Parliament a measure for the establishment of regular Government in the Gold Country, and were devising means for affording me the support of a military force.

4. I have perused your remarks, defining the extent of the powers conferred on the Governor of Vancouver's Island by the Royal Commission, and observe that you approve of the appointment of a revenue officer, to prevent the landing of prohibited articles in Fraser's River, and instruct me to maintain the principle, that the navigation of Fraser's River itself, above the mouth, is open to British vessels only, and that American or other foreign vessels, if admitted to navigate that river, should be required to take out a licence, your instructions on those points being in strict accordance with our present regulations.

5. I observe also from your Despatch, that the rights of trade made over to the Hudson's Bay Company are limited to the trade with the Indian tribes.

We have always hitherto given a more extended application to those rights, believing, from the circumstance of the country being inhabited by Indians alone, and from its not being open for settlement to white men, that the intention of Parliament in granting the licence was to make over the whole trade of the country to the Hudson's Bay Company.

6. That construction of the rights of the Hudson's Bay Company was strengthened by the following passage in His Grace of Newcastle's Despatch, No. 12, of the 22nd of October 1853, on which the proclamation issued on the 8th of May last was based.

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"With regard to the third subject, the traffic of the Americans with the Indians, you are of course aware that the Hudson's Bay Company are legally entitled to this trade, to the exclusion of all other persons, whether British or foreign. You are, therefore, clearly at liberty to take such steps as may have the effect of punishing persons who infringe their rights. But I am of opinion that it would be prudent previously to issue a Proclamation, warning all persons against the consequences of such an infringement of the Hudson's Bay Company's rights, and also apprising foreigners that they are precluded from fishing within three miles of the shore."

7. We shall, however, in future, act upon your instructions, abrogating and amending without delay all existing regulations repugnant thereto. The Proclamation of the 5th of May was in fact virtually abrogated by later regulations, permitting, in the first place, the entrance of boats and vessels, under sufferance, and afterwards allowing the importation of all kinds of goods into Fraser's River, on the payment of an ad valorem duty on the goods of 10 per cent., as mentioned in the 11th paragraph of my Despatch No. 39*, of the 9th of September.

8. The object of that Proclamation, which, from the pressure of business, my Despatches have but imperfectly explained to Her Majesty's Government, was not solely to protect the interests of the Hudson's Bay Company, for in the circumstances of the country that was a simple impossibility, but I sought to establish thereby a legal control over the multitude of foreigners who were entering the country, and who, notwithstanding our precautions to the contrary, have been with difficulty restrained from taking possession of and occupying as squatters all the valuable land on Fraser's River. I felt that a step of that kind could not be legally carried into effect in my position as Governor of Vancouver's Island; but while holding that position, and representing, at the same time, the Hudson's Bay Company, I fancied that important public measure would violate no law, and therefore, from its evident necessity, meet with your approval and support.

9. The arrangement with the Pacific Mail Steam Ship Company, of which you disapprove, was never carried into effect; but the other foreign vessels employed on Fraser's River were likewise bound by the same conditions offered to that company. Those regulations have by subsequent changes fallen into dis-use, inasmuch as they are connected with the privileges or tend to promote the interests of the Hudson's Bay Company.

10. We shall forthwith discontinue the regulation requiring the prepayment of mining licences and head money on persons going to Fraser's River, in consequence of your instructions to that effect, and in all other respects we shall conform strictly to the instructions contained in your Despatch.

I have, &c.
(Signed) JAMES DOUGLAS,

The Right Hon. Sir E. B. Lytton, Bart. Governor.
&c. &c. &c.

No. 14.

Copy of DESPATCH from GOVERNOR DOUGLAS to the Right Hon. Sir E. B. LYTTON, Bart.

(No. 43.)

Victoria, Vancouver's Island, October 11, 1858,

(Received Nov. 29th, 1858.)

Sir,
1. I have the honour to acknowledge the receipt of your Despatch, No. 6*, of the 31st of July last, communicating the views which you entertain upon various topics of importance bearing upon the present situation of affairs and the establishment of a regular Government in British Columbia.

2. Though I regret that the pressure of public business, the want of efficient aid, and irregular mail facilities, have prevented me from communicating so fully with you as the position of affairs required, it is very gratifying to my feelings to discover, from the communication of those views in your Despatch, that the measures which have been adopted with the view of raising a revenue for defraying the expenses of Government in that country coincide so closely as they do with those recommended in your Despatch.

3. In consequence of the unexpected force of the immigration from the United States, and the pressure of the masses, we were compelled in the emergency, by a stern necessity, either to take the initiative, and to give a direction to the masses, or to submit to their dictation as to the measures which the Government had to pursue.

Page 33.

No. 14.

Page 44.

BRITISH
COLUMBIA.

4. For that reason I had to act in many cases without delay, and without distinct legal authority, except that discretionary power derived from my Commission as Governor of Vancouver's Island, which I believe applies to all cases affecting the public interests not provided for in Her Majesty's Instructions.

5. In ascribing the dominion of the Crown over the Gold Region, and the rights of the Crown over the precious metals, I felt that I was acting clearly according to constitutional law and usage; but I did not feel equally certain about the expediency or the power of enforcing those rights, by levying the licence duty on miners, in a remote and almost inaccessible country.

6. Being in urgent want of money to meet the unavoidably increasing expenditure of Government, consequent on the influx of people, I conceived it would be only proper to make them bear the cost of that expenditure, and that circumstance suggested the idea of levying a month's licence in advance on every person entering Fraser's River, with the condition, however, that the certificate of such payment would be received in compensation of the first month's mining on the claim assigned to the party holding it in Fraser's River; a measure which was immediately carried into effect, with the satisfactory results of creating a fund to meet our immediate expenses, and securing the support of a large body of miners, who, having paid the Crown dues, insisted that any such person as had evaded that payment should either comply with the Government regulation, or relinquish their mining claims, thus lending a prodigious moral power to the Government while enforcing the mining duty.

7. I have, however, from the first doubted the expediency of levying the duty on mining licences, which will always be an unpopular tax, besides being arduous and expensive to levy in a country so extensive and difficult of access as Fraser's River. I therefore much prefer to that tax the adoption of the views entertained in your Despatch, as a means of raising a revenue; that is, levying moderate duties on beer, wine and spirits, and other articles subject to taxation, this being in fact continuing the import duty of 10 per cent. ad valorem, at present levied on all goods imported into British Columbia.

8. The disposal of public lands and also of town lots, as suggested in your Despatch, will, I think, prove a prolific source of revenue, besides having the effect of opening the country for permanent settlement. In my late excursion to Fraser's River, of which I will soon forward an account, the most urgent appeals were made to me by intending settlers, on the prospect of approaching winter, for the purchase of town lots at Fort Yale and Fort Hope; but having no legal authority to make sales of land, or to grant sufficient titles, I could only meet their wishes by giving leases of the desired lots, at a monthly rent of 41 shillings, to be continued, with a pre-emption right to the holder, until the land is finally sold.

9. Since the arrival of your Despatch, I have sent Mr. Pemberton, the Surveyor-General, to lay out three several town sites on Fraser's River, namely, at

Old Fort Langley,
Fort Hope,
Fort Yale,

there being a demand at each of those places for town lots, in consequence of their position at important trading points of the River, which gives them a peculiar value in the estimation of the public.

10. The Surveyor has advertised a public sale at this place of town lots 64 x 120 feet, in extent at old Fort Langley, for the 20th of this month, October, the upset price to be 100 dollars for each lot of that size, and not to be sold for less than the upset price. Though this is not a propitious time for the disposal of town lots, it is expected that the Government will realize a considerable sum from that sale.

11. We also look forward to raising a considerable sum through the duty on licensed ale and beer houses, and also on trading licences, should it be considered judicious to continue such taxes.

12. I am anxious to save the present mail, and will therefore leave the subject of revenue until I can prepare a digested report on the subject, and have an opportunity of ascertaining, as you again have suggested, the sense of the immigrants upon so important a matter.

13. I will not fail to keep steadily in view the fact, that the Imperial Parliament will expect that British Columbia shall be self-supporting as soon as possible, and that it is the desire of the Mother Country that Representative Institutions and self-government should prevail in that Colony, as soon as the material for those institutions are shown to exist, and to that object we shall, as you recommend, aim and shape all our policy.

14. I observe British Columbia, The manner in which they are to be employed, and subjects, to which requires.

15. I also observe to assist in the formation of service to the Government, and also sworn in Yale, to be employed.

16. I shall not improve of the improvement of the agrarian rights be to prevent collision the miners the gentleman, and regard how will go far towards the country.

17. I shall also the inhabitants of the existing Government.

18. I regret that as the mail steamer to-morrow; but I have received will upon those Instructions.

The Right Hon.
&c.

14. I observe also your intention of despatching a party of Royal Engineers for British Columbia, and the particular objects for which that force is to be despatched. The manner in which it is the wish of Her Majesty's Government that force should be employed, and the Government of British Columbia be carried on, are important subjects, to which I will give all the consideration which their vast importance requires.

15. I also observe your intention of sending out an experienced Inspector of Police, to assist in the formation of a police force, and I am convinced that he will be of great service to the Government, though we have already organized a force of that description, and also sworn in a number of special police, consisting of the inhabitants of Fort Yale, to be employed on emergencies in keeping the peace.

16. I shall not fail to give the fullest scope to your humane consideration for the improvement of the native Indian tribes, and shall take care that all their civil and agrarian rights be protected. I have in fact already taken measures, as far as possible, to prevent collisions between those tribes and the whites, and have impressed upon the miners the great fact that the law will protect the Indian equally with the white man, and regard him in all respects as a fellow subject. That principle being admitted will go far towards the well-being of the Indian tribes, and securing the peace of the country.

17. I shall also by every means in my power endeavour to secure the confidence of the inhabitants of British Columbia, and to attach them by the ties of interest to the existing Government.

18. I regret that time does not permit me to report to you more fully on this occasion, as the mail steamer has just arrived from Puget's Sound, and will leave at an early hour to-morrow; but Her Majesty's Government may rest assured that the Instructions I have received will be fully carried into effect, and that all our measures will be framed upon those Instructions.

I have, &c.
(Signed) JAMES DOUGLAS,

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

Governor.

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Despatches from the Right Hon. Sir E. B. Lytton, Bart.

BRITISH
COLUMBIA.

No. 1.

No. 1.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(Confidential.)

Sir,

Downing Street, July 1, 1858.

In transmitting you the copy of a letter addressed to this Department by order of the Lords Commissioners of the Admiralty, to inform me of the steps they propose to take in consequence of the gold discoveries on Fraser's River, I wish to add, for your particular information, that I have ascertained, by communication with the Admiralty, that the officers commanding Her Majesty's Vessels at Vancouver's Island will be directed to give you all the support in their power, and to render their crews, and more especially the Marines, serviceable, as far as circumstances will allow, if the Civil Government should require a force to maintain order among the adventurers resorting to the Gold Fields. But it will be necessary to be very cautious in employing them, on account of the obvious danger of desertion.

Enclosure.

Her Majesty's Government, feeling the difficulties and the critical nature of your present circumstances, have not hesitated to place these considerable powers in your hands; but they rely upon your forbearance, judgment, and conciliation to avoid all resort to military or naval force which may lead to conflict and loss of life, except under the pressure of extreme necessity. Still less need I impress upon you the importance of avoiding any act which directly or indirectly might be construed into an application of Imperial resources to the objects of the Hudson's Bay Company, in whose service you have so long been engaged. Even the suspicion of this, however unfounded, would be eminently prejudicial to the establishment of Civil Government in the country lying near the Fraser's River, and would multiply existing difficulties and dangers. All claims and interests must be subordinated to that policy which is to be found in the peopling and opening up of the new country, with the intention of consolidating it as an integral and important part of the British Empire.

It is possible that by personal influence and conciliatory communications with such of the leading men amongst the American immigrants as appear to be of good intention or respectable bearing, you might induce them to co-operate with you in preserving order amongst their countrymen, and to lay aside any feeling of prejudice or mistrust with which they may have entered the territory.

I have, &c.

(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

Enclosure in No. 1.

Enclosure in
No. 1.

Sir,

Admiralty, June 28, 1858.

I HAVE received, and laid before my Lords Commissioners of the Admiralty, your letter of the 26th instant, with its enclosure, from the Governor of Vancouver's Island, relative to a steam vessel being stationed for the present at that island, to protect British interests, in consequence of the number of persons resorting to the recently-discovered Gold Fields in Her Majesty's Dominions in North-western America in the neighbourhood of Fraser's River.

My Lords desire me to state, for the information of Secretary Sir E. Bulwer Lytton, that orders will be sent to Rear-Admiral Baynes, the Commander-in-Chief of Her Majesty's ships on the Pacific Station, either himself to proceed to Vancouver's Island, or to select some senior officer to send thither, for the purpose of ascertaining whether the naval force already stationed there is sufficient for the support of the civil authority and the protection of British interests; and should the force not be considered sufficient, the Rear-Admiral will be instructed to send such addition as he may deem to be necessary.

I am, &c.

(Signed) H. CORRY.

Herman Merivale, Esq.,
&c. &c.
Colonial Office.

BRITISH
COLUMBIA.
No. 2.

No. 2.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTON, Bart., to Governor
DOUGLAS.

(No. 4.)

Downing Street, July 16, 1858.

SIR,

* Vide page 11.

I HAVE to acknowledge your Despatch, No. 23, of the 19th May last,* enclosing a Proclamation which you had issued on the subject of boats and vessels entering Fraser's River for trade, and reporting further on the state of the Coutenau Gold Diggings.

The accounts which have reached Her Majesty's Government from other quarters as well as your own afford abundant evidence of the critical nature of the circumstances in which you are placed. They have much satisfaction in reflecting that the maintenance of public order and of the rights of the Crown in that quarter is placed in the hands of an officer so vigilant, and so well acquainted with the country and the people as yourself; and you may rely on their support in the performance of this arduous duty, under the very peculiar difficulties of your position.

They are now engaged in conducting through Parliament a measure for the purpose of giving the sanction of law to the steps which the Crown will be advised to take for the establishment of regular government, and protection both of the immigrants and the natives, as far as practicable; and they are also devising the means for affording you the support of a military force, as soon as this can be effected.

In the meantime I must lay down a few rules for your guidance in the administration of the authority which has thus devolved on you.

In strict law, your Commission extends to Vancouver's Island only; but you are authorized, under the necessity of the case, to take such measures, not inconsistent with the general rights of British subjects and others within Her Majesty's Dominions, as that necessity may justify.

I approve, therefore, of your having detached an officer of the Customs from Vancouver's Island (if the intention announced in your Despatch was carried into execution), for the purpose of preventing the landing in Fraser's River of articles prohibited under the Customs' laws to which you refer.

Subject to this restriction, Her Majesty's Government wish no obstacle to be interposed to the disembarkation of passengers and goods at the mouth of Fraser's River by foreign vessels.

But it is necessary to maintain the principle, that the navigation of Fraser's River itself above the mouth is open in law to British vessels only. American or other foreign vessels, therefore, if admitted to navigate that River (to which it is the desire of Her Majesty's Government that no unnecessary obstacles should be interposed), should be required to take a licence from yourself or such officer as you may delegate for the purpose.

But I must distinctly warn you against using the powers hereby intrusted to you in maintenance of the interests of the Hudson's Bay Company in the territory.

The Company is entitled, under its existing licence, to the exclusive trade with the Indians, and possesses no other right or privilege whatever.

It is, therefore, contrary to law, and equally contrary to the distinct instructions which I have to convey to you, to exclude any class of persons from the territory, or to prevent any importation of goods into it, on the ground of apprehended interference with this monopoly,—still more to make any Governmental regulations subservient to the Revenues or interests of the Company.

I am compelled, therefore, to disapprove, and to disallow if still in force, the Proclamation of which your Despatch transmitted a copy. To fit out boats and vessels to enter Fraser's River for trade is no "infringement of the rights of the Hudson's Bay Company," as that Proclamation terms it. Such infringement only commences when any trading with the Indians is attempted; and no steps can rightfully be taken to put a stop to legal acts of this description, on the ground that they may be intended for ulterior purposes, infringing on private rights. For the same reason, to require a "licence from the Hudson's Bay Company" of persons landing in the territory is altogether unjustifiable.

I am obliged, for the same reason, to disapprove of the terms which you have proposed to the Pacific Mail Company. They ought not to be put under terms to "carry the Company's goods, and no other;" nor ought they to be prevented from carrying persons not furnished with a gold miner's licence. Such licence can properly be required of intending diggers on the ground, but not of persons merely seeking to land on

the territory exact from "penation."

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Governor
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the territory. Still less have the Hudson's Bay Company any right whatever to exact from passengers any fee or head money, by way, as you term it, of "compensation."

Should, therefore, the Pacific Mail Company have assented to these terms, I must nevertheless require their being altered according to the tenor of these instructions for the future.

I am fully aware that before this Despatch can reach you the state of things may have materially altered, and that some of these directions may have become inapplicable. Even in that case, however, they will serve as an indication of the general policy which it is the intention of Her Majesty's Government to pursue, and their wish that you should execute, in this emergency. I hope by the next mail to be able to add to these directions.

Governor Douglas,
 &c. &c.

I have, &c.
 (Signed) E. B. LYTTON.

No. 3.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

SIR,

Downing Street, July 16, 1858.

My public Despatch of this date will have shown you the high value which Her Majesty's Government attach to your services, and at the same time will guard you against some of the errors into which you may be led by your position as an Agent of the Hudson's Bay Company, while at the same time an officer of Her Majesty's Government.

I wish to inform you, confidentially, in addition, that a Bill is in progress through Parliament to get rid of certain legal obstacles which interpose to prevent the Crown from constituting a Government suited to the exigencies of so peculiar a case, over the territory now resorted to, according to report, by the multitudes whom the gold diggings on Fraser's River have attracted.

It is proposed to appoint a Governor, with a salary of at least 1,000*l.* per annum, to be paid for the present out of a Parliamentary vote. And it is the desire of Her Majesty's Government to appoint you at once to that office, on the usual terms of a Governor's appointment; namely, for six years at least, your administration of that office continuing to merit the approval of Her Majesty's Government; this Government to be held, for the present, in conjunction with your separate Commission as Governor of Vancouver's Island.

With regard to the latter, I am not at this moment able to specify the terms as to salary on which it may ultimately be held, but your just interests would, of course, not be overlooked.

The legal connexion of the Hudson's Bay Company with Vancouver's Island will shortly be severed by the resumption by the Crown of the grant of the soil. And their legal rights on the continent opposite terminates in May next, at all events, by the expiry of Her licence, if Her Majesty should not be advised to terminate it sooner on the establishment of the new Colony.

It is absolutely necessary, in their view, that the administration of the Government, both of Vancouver's Island and of the main land opposite, should be intrusted to an officer or officers entirely unconnected with the Company.

I wish, therefore, for your distinct statement, as early as you can afford it, whether you are willing, on receiving the appointment which is thus offered you, to give up, within as short a time as may be practicable, all connexion which you may have with that Company, either as its servant, or a shareholder, or in any other capacity.

I make this proposal without discussing at present the nature and extent of your actual connexions with that Company, but with the acquiescence of the Governor of the company, who has seen this Despatch.

In the meantime, and awaiting your answer, it is my present intention (liable only to be altered by what may transpire in future advices from yourself) to issue a Commission to you as Governor; but you will fully understand that unless you are prepared to assure me that all connexion between yourself and the Company is terminated, or in course of speedy termination, you will be relieved by the appointment of a successor.

BRITISH
COLUMBIA.

I make this proposal briefly, and without unnecessary preface, being fully assured that you will understand, on the one hand, that Her Majesty's Government are very anxious to secure your services, if practicable, but, on the other, that it is quite impossible that you should continue to serve at once the Crown and the Company, when their respective rights and interests may possibly diverge, and when at all events public opinion will not allow of such a connexion.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 4.

No. 4.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 5.)

SIR,

Downing Street, July 30, 1858.

I HAVE to inform you that Her Majesty's Government propose sending to British Columbia, by the earliest opportunity, an officer of Royal Engineers (probably a Field Officer with two or three subalterns), and a company of Sappers and Miners, made up to 150 men, non-commissioned officers and men.

I must trust to you to make such arrangements in the Colony for the reception of this party as you may deem necessary and suitable.

I shall provide the officer in command with general instructions for his guidance, of which you shall have a copy.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 5.

No. 5.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(Confidential.)

SIR,

Downing Street, July 31, 1858.

As it is a matter of considerable importance, both to Her Majesty's Government and yourself, that there should be a perfect understanding as to the terms on which, if you should so decide, you would assume office under Imperial authority;

I think it right to state, as it was omitted on the last occasion, that besides relinquishing, directly or indirectly, all connexion with the Hudson's Bay Company, it will be indispensable to apply that condition equally to any interest you may possess in the Puget Sound Company.

It is most probable that you have understood the offer contained in my Confidential Despatch of the 16th instant in that sense; but I think it better now to guard against any possible misconception on the subject by this additional explanation.

It is due to you to add, that if, after reflection, you should entertain the persuasion that it will either not conduce to the public interests or your own to exchange your present position for that of Governor of British Columbia, the ability you have displayed whilst holding the office of Governor of Vancouver's Island will not escape the recollection of Her Majesty's Government, should it be your wish, on the expiration of the Hudson's Bay Company's licence next year, to enter into the service of the Crown in the Colonies.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 6.

No. 6.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 6.)

SIR,

Downing Street, July 31, 1858.

THOUGH I expect shortly to have the honour of transmitting to you an Act passed by the Imperial Parliament, authorizing the establishment of a regular Government in the territory west of the Rocky Mountains, I will not lose the opportunity of this mail to

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communicate to you the views which I entertain, for I am scarcely in a condition to furnish you with positive instructions upon certain topics of importance which bear upon your present situation.

1. I need hardly observe, that British Columbia, for by that name the Queen has been graciously pleased that the country should be known, stands on a very different footing from many of our early Colonial Settlements. They possessed the chief elements of success in lands, which afforded safe though not very immediate sources of prosperity. This territory combines, in a remarkable degree, the advantage of fertile lands, fine timber, adjacent harbours, rivers, together with rich mineral products. These last, which have led to the large immigration of which all accounts speak, furnish the Government with the means of raising a Revenue which will at once defray the necessary expenses of an establishment.

I am aware that in Queen Charlotte Island, where gold was discovered a few years ago, licence fees were contemplated; but the small quantity of gold which was worked there has not afforded any settled or fixed data as to the results of that experiment.

My own views lead me to think that moderate duties on beer, wine, spirits, and other articles usually subject to taxation, would be preferable to the imposition of licences; and I confidently expect that from these sources a large and an immediate revenue may be derived.

The disposal also of public lands, and especially of town lots, for which I am led to believe there will be a great demand, will afford a rapid means of obtaining funds applicable to the general purposes of the Colony. You will, probably, at an early period take steps for deciding upon a site for a seaport town. But the question of how a Revenue can best be raised in this new country depends so much on local circumstances, upon which you possess such superior means of forming a judgment to myself, that I necessarily, but at the same time willingly, leave the decision upon it to you, with the remark that it will be prudent on your part, and expedient, to ascertain the general sense of the immigrants upon a matter of so much importance. Before I leave this part of the subject, I must state, that whilst the Imperial Parliament will cheerfully lend its assistance in the early establishment of this new Colony, it will expect that the Colony shall be self-supporting as soon as possible. You will keep steadily in view that it is the desire of this country that Representative Institutions and self-government should prevail in British Columbia, when, by the growth of a fixed population, materials for those Institutions shall be known to exist; and that to that object you must, from the commencement, aim and shape all your policy.

2. I have informed you in my Despatch of 30th instant, that a party of Royal Engineers will be despatched to the Colony immediately. It will devolve upon them to survey those parts of the country which may be considered most suitable for settlement, to mark out allotments of land for public purposes, to suggest a site for the seat of Government, to point out where roads should be made, and to render you such assistance as may be in their power, on the distinct understanding, however, that this force is to be maintained at the Imperial cost for only a limited period, and that, if required afterwards, the Colony will have to defray the expense thereof. I have to add, that I am of opinion that it will be reasonable and proper that the expense of the survey of all allotments of land to private individuals should be included in the price which the purchaser will have to pay for his property. I shall endeavour to secure, if possible, the services of an officer in command of the Engineers who will be capable of reporting on the value of the mineral resources. This force is sent for scientific and practical purposes, and not solely for military objects. As little display as possible should, therefore, be made of it. Its mere appearance, if prominently obtruded, might serve to irritate, rather than appease, the mixed population which will be collected in British Columbia. It should be remembered that your real strength lies in the conviction of the emigrants that their interests are identical with those of the Government, which should be carried on in harmony with and by means of the people of the country. As connected with this subject, it may be convenient to you to know that I contemplate sending out an experienced Inspector of Police to assist in the formation of a Police force. You should consequently lose no time in considering how that force can be organized. It must be derived from the people on the spot, who will understand that for their preservation from internal disturbances they must rely solely on themselves, and not on the military. I cannot permit myself to doubt, that in a matter so essential to the common security of all you will meet with the ready concurrence of the community, and that you will act for their interests in a manner which shall be popular, and conformable with their general sentiments.

3. I have to enjoin upon you to consider the best and most humane means of dealing with the Native Indians. The feelings of this country would be strongly opposed to the

BRITISH
COLUMBIA.

adoption of any arbitrary or oppressive measures towards them. At this distance, and with the imperfect means of knowledge which I possess, I am reluctant to offer, as yet, any suggestion as to the prevention of affrays between the Indians and the immigrants. This question is of so local a character that it must be solved by your knowledge and experience, and I commit it to you, in the full persuasion that you will pay every regard to the interests of the Natives which an enlightened humanity can suggest. Let me not omit to observe, that it should be an invariable condition, in all bargains or treaties with the Natives for the cession of lands possessed by them, that subsistence should be supplied to them in some other shape, and above all, that it is the earnest desire of Her Majesty's Government that your early attention should be given to the best means of diffusing the blessings of the Christian Religion and of Civilization among the Natives.

4. In conclusion, I wish to impress upon you the necessity of seeking, by all legitimate means, to secure the confidence and good-will of the immigrants, and to exhibit no jealousy whatever of Americans or other foreigners who may enter the country. You will remember that this Colony is destined for free institutions at the earliest moment. In the meanwhile it will be advisable for you to ascertain what Americans resorting to the diggings enjoy the most influence or popular esteem, and you should open with them a frank and friendly communication as to the best means of preserving order, and securing the interests and peace of the Colony. It may be deserving your consideration whether there may not be found already amongst the immigrants, both British and foreign, some persons whom you could immediately form into a Council of Advice; men, whom, if an Elective Council were ultimately established in the Colony, the immigrants themselves would be likely to elect, and who might be able to render you valuable assistance until the machinery of Government were perfected, and you were in possession of the instructions which the Queen shall be pleased to issue for your guidance.

5. I shall hope to receive at an early period your views on these and other topics of importance which are likely to present themselves for your decision in the difficult circumstances in which you are placed, and I request you to be assured, on the part of Her Majesty's Government, that I shall be most ready to afford you every assistance in my power.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 7.

No. 7.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 7.)

SIR,

Downing Street, August 14, 1858.

*Vide page 1.

I HAVE to transmit to you, for information and guidance, copy of an Act* which has received Her Majesty's assent, entitled "An Act to provide for the Government of British Columbia."

There has not been as yet time to furnish you by this mail with the necessary Order in Council, Commission and Instructions to yourself as Governor, which are necessary in order to complete your legal powers.

You will continue nevertheless to act during the brief interval before their arrival as you have hitherto done, as the authorized representative of Her Majesty's Government in the territory of British Columbia, and take without hesitation such steps as you may deem absolutely necessary for the government of the territory, and as are not repugnant to the principles of British law; but you will do so in conformity with the directions which I transmit to you on several subjects by my Despatches of even date herewith, and in such others as you may receive from me.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

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(No. 5)

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2. Her Majesty's courtge, judge people can also distance, and standing. Orations; on other should be made.

3. As to the which you have of Mr. Perrier approve also, the surveying of that Department.

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No. 8.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.
(No. 8.)

BRITISH
COLUMBIA.
No. 8.

Downing Street, August 14, 1858.

Sir,

1. I HAVE to acknowledge the very important series of Despatches of which the numbers and dates are specified in the margin, showing the manner in which you have continued to administer the Government of the territory in which the recent discoveries of gold have taken place, and detailing the extraordinary course of events in that quarter.

2. Her Majesty's Government feel that the difficulties of your position are such as courage, judgment, and familiarity with the resources of the country and character of the people can alone overcome. They feel also that minute directions conveyed from this distance, and founded on an imperfect knowledge, are very liable to error and misunderstanding. On some points, however, you have yourself asked for approval and Instructions; on others it is absolutely necessary that the views of Her Majesty's Government should be made clear to you.

3. As to the steps which you have already taken, I approve of the appointments which you have made and reported, of Revenue officers, Mr. Hicks and Mr. Travailot, of Mr. Perrier as Justice of the Peace, and of Mr. Young as Gold Commissioner. I approve also, as a temporary measure, of the steps which you have taken in regard to the surveying department; but I have it in contemplation to send to the Colony a head of that Department from England.

4. I propose selecting in this country some person for the office of Collector of Customs; and shall send you also, at the earliest moment, an officer authorized to act as Judge, and who, I trust, as the Colony increases in importance, may be found competent to fill with credit and weight the situation of Chief Justice. I await your intimations as to the wants and means of the Colony, in this sudden rise of social institutions in a country hitherto so wild, in order to select such law advisers as you may deem the condition and progress of immigration more immediately require. And it is my wish that all legal authorities connected with the Government should be sent from home, and thus freed from every suspicion of local partialities, prejudices, and interests.

5. I highly approve of the steps which you have taken, as reported by yourself, with regard to the Indians. It is in the execution of this very delicate and important portion of your duties that Her Majesty's Government especially rely on your knowledge and experience, obtained in your long service under the Hudson's Bay Company. You may in turn rely on their support in the execution of such reasonable measures as you may devise for the protection of the Natives, the regulation of their intercourse with the whites, and, whenever such a work may be commenced, their civilization. In what way the fur trade with the Indians may be henceforth carried on with the most safety, and with due care to save them from the demoralizing bribes of ardent spirits, I desire to know your views before you make any fixed regulations. No regulations giving the slightest preference to the Hudson's Bay Company will be in future admissible; but possibly, with the assent of the whole community, licences for Indian trade, impartially given to all who would embark in it, might be a prudent and not unpopular precaution.

6. I approve of the measures which you have taken for raising a Revenue by Customs, and authorize their continuance.

7. I approve also of your continuing to levy licence fees for mining purposes, requesting you, however, to adapt the scale of these fees to the general acquiescence of adventurers, and leaving it to your judgment to change this mode of taxation (as, for instance, into an export duty), if it shall appear, on experience, to be unadvisable to continue it. But on this head I must give you certain cautions. In the first place, no distinction must be made between foreigners and British subjects as to the amount per head of the licence fee required (nor am I aware that you have proposed to do so). In the second place, it must be made perfectly clear to every one that this licence fee is levied, not in regard to any supposed rights of the Hudson's Bay Company, but simply in virtue of the Prerogative of the Crown (now confirmed by the Act of Parliament transmitted to you, if this was necessary,) to raise such revenue as it thinks proper, in return for the permission to derive profits from the minerals on Crown lands.

8. Farther, with regard to these supposed rights of the Hudson's Bay Company, I must refer you, in even stronger terms, to the cautions already conveyed to you by my former Despatches. The Hudson's Bay Company have hitherto had an exclu-

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BRITISH
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sive right to trade with Indians in the Fraser's River territory, but they have had no other right whatever. They have had no right to exclude strangers. They have had no rights of Government, or of occupation of the soil. They have had no right to prevent or interfere with any kind of trading, except with Indians alone.

But to render all misconceptions impossible, Her Majesty's Government have determined on revoking the Company's licence (which would itself have expired in next May) as regards British Columbia, being fully authorized to do so by the terms of the licence itself, whenever a new Colony is constituted.

The Company's private property will be protected, in common with that of all Her Majesty's subjects; but they have no claim whatever for compensation for the loss of their exclusive trade, which they only possessed subject to this right of revocation. The instrument formally revoking the licence will shortly be forwarded to you.

9. With regard to the Revenue received from licences and Customs, you will hold it for the present to be expended on the necessary expenses of the Colony.

10. The immense resources which the information that reaches England every day, and is confirmed with such authority by your last Despatch, assure me the Colony possesses, and the facility for immediate use of those resources for the purpose of Revenue, will at once free the Mother Country from those expenses which are adverse to the policy of all healthful colonization.

You will bear the principle I have thus laid down perpetually in mind, so as to apportion the Expenditure to the Revenue, and not to allow the former to exceed the latter.

11. The most important objects to which the local revenue can be applied would seem to be, police, public works to facilitate landing and travelling, payment of the absolutely necessary officers, and above all surveying. But your own local judgment must mainly decide. You will render accurate accounts to me both of receipts and expenditure, and you will probably find it necessary shortly to appoint a Treasurer, which will be a provisional appointment.

You are authorized, if you think proper, to give for the present Government receipts in lieu of deposits of gold.

As to this point I wish to have a more definite account of the nature of your proposal.

12. You are fully authorized to take such measures as you can for the transmission of letters and levying postage.

13. It appears by your Despatch that the staff of Surveyors you have engaged are at present employed on Vancouver's Island, the soil of which is as yet held under the expiring licence of the Hudson's Bay Company; but it is British Columbia which now demands, and indeed may almost absorb, the immediate cares of its Governor, and your Surveyor may at once prepare the way for the arrival of the Surveyor-General appointed from hence, and of the Sappers and Miners who will be under his orders.

14. I now come to the important subject of future Government. It is possible (although on this point I am singularly without information) that the operations of the gold diggers will be to a considerable extent suspended during the winter, and that you will, therefore, have some amount of leisure to consider the permanent prospects of the Colony, and the best mode of administering its affairs.

You will be empowered both to govern and to legislate of your own authority; but you will distinctly understand that this is as a temporary measure only. It is the anxious wish of Her Majesty's Government that popular institutions, without which they are convinced peace and order cannot long prevail, should be established with as little delay as practicable; and until an Assembly can be organized (which may be whenever a permanent population, however small, is established on the soil,) I think, as I have already stated in a former Despatch, that your best course will probably be to form some kind of temporary Council, calling in this manner to your aid such persons as the miners themselves may place confidence in.

15. You will receive additional directions along with your Commission, when forwarded to you; and I have embodied in a separate Despatch those regarding the very important question of the disposal of land.

16. Aware of the immediate demand, on your time and thoughts connected with the pressing question of the immigration to the gold mines, I do not wish to add unnecessarily to the burden of duties so onerous; but as yet our Department has been left singularly in ignorance of much that should enter into considerations of general policy, and on which non-official opinions are constantly volunteered. Probably, amongst the

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persons you are now employing, and in whose knowledge and exactitude you can confide, you might find some one capable of assisting, under your superintendence, in furnishing me, as early as possible, with a report of the general capacities of the harbours of Vancouver,—of their advantages and defects,—of the mouth of the Fraser's River, as the site of the entry into British Columbia, apart from the island,—of the probabilities of a coal, superior for steam purposes to that of the island, which may be found in the mainland of British Columbia, and such other information as may guide the British Government to the best and readiest means of developing the various and the differing resources both of the island and the mainland; resources which have so strangely been concealed for ages, which are now so suddenly brought to light, and which may be destined to effect, at no very distant period, a marked and permanent change in the commerce and navigation of the known world.

The officers now engaged in the maritime survey will, probably, render great assistance to yourself and to Her Majesty's Government in this particular.

17. I will only conclude with the general caution, that inasmuch as your legal powers are as yet incomplete, it will be well that you should therein confine yourself as much as possible to the mere issue of regulations absolutely required, and not seek to carry into effect the Crown's general power of legislation, until fully authorized thereto.

I have, &c.

Governor Douglas,
&c. &c.

(Signed) E. B. LYTTON.

No. 9.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 9.)

Downing Street, August 14, 1858.

Sir,

FREQUENT inquiries are addressed to this Office on the subject of the disposal of land in British Columbia to companies or private individuals in this country. In consequence of the ignorance in which, from the peculiar circumstances of the case, I am placed as to your views on a subject of such great importance to the future welfare of this new Colony, I have forborne answering these inquiries, or encouraging expectations which might not be realized. It is therefore very necessary that you should, at your earliest convenience, communicate to me the impressions which you entertain on this subject, accompanied by all the information which you can collect.

In the meantime you will take the following Provisional Rules to guide you:—

1. With regard to the very important subject of the disposal of land, you are authorized to sell land merely wanted for agricultural purposes (whenever a demand for it shall arise) at such upset price as you may think advisable. I believe that a relatively high upset price has many advantages; but your course must, in some degree, be guided by the price at which such land is selling in neighbouring American territories. But with regard to land wanted for town purposes (to which speculation is almost certain to direct itself in the first instance), I cannot caution you too strongly against allowing it to be disposed of at too low a sum. An upset price of at least *1*l. per acre is in my opinion absolutely required, in order that the local Government may in some degree participate in the profit of the probable sales, and that mere land jobbing may be in some degree checked. Whenever a free Legislature is assembled, it will be one of its duties to make further provision on this head.

2. To open land for settlement gradually; not to sell beyond the limits of what is either surveyed or ready for immediate survey, and to prevent, as far as in you lies, squatting on unsold land. Mineral lands will require a special care and forethought, and I request your views thereon.

3. To keep a separate account of all Revenue to be derived from the sale of land, applying it to the purposes for the present of survey and communication, which, indeed should be the first charge on the Land Revenue; and you will of course remember that this will include the expense of the survey party (viz. Sappers and Miners) now sent out. I shall be anxious to receive such accounts at the earliest period at which they can be furnished.

4. Foreigners, as such, are not entitled to grants of waste land of the Crown in British Colonies. But it is the strong desire of Her Majesty's Government to attract to this territory all peaceful settlers, without regard to nation. Naturalization should,

BRITISH
COLUMBIA.

therefore, be granted to all who desire it, and are not disqualified by special causes; and with naturalization the right of acquiring Crown land should follow.

5. You will pardon me if I enjoin on you, as imperative, the most diligent care that in the sales of land there should not be the slightest cause to impute a desire to show favour to the servants of the Hudson's Bay Company. Parliament will watch with jealousy every proceeding connected with such sales; and I shall rely upon you to take every precaution which, not only impartial probity, but deliberate prudence, can suggest, that there shall be no handle given for a charge, I will not say of favour, but of indifference or apathy to the various kinds of land jobbing, either to benefit favoured individuals or to cheat the Land Revenue, which are of so frequent occurrence at the outset of colonization, and which it is the duty of Her Majesty's Government, so far as lies in them, to repress.

I have, &c.
(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 10.

No. 10.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(Separate.)

SIR,

Downing Street, September 1, 1858.

I HAVE the honour to introduce to you Captain Parsons, the bearer of this Despatch, who, in pursuance of the intention which I have already communicated to you, has been directed to repair to British Columbia, accompanied by twenty non-commissioned officers and men of the Royal Engineers.

I need scarcely observe to you that the object for which this officer and his party have been detached to British Columbia is for the exclusive service of that Colony. You will, therefore, afford him every assistance in your power for enabling him to commence immediately such operations in it as shall appear to him to be necessary, in anticipation of the arrival of his commanding officer, Colonel Moody, R.E., who will follow him with as much rapidity as is practicable. And I trust that if Captain Parsons should require the temporary occupation for his party of the trading posts up the country which belong to the Hudson's Bay Company, you will take measures for affording him such accommodation.

I have, &c.
(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 11.

No. 11.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.
(No. 1.)

SIR,

Downing Street, September 2, 1858.

I HAVE the honour to transmit to you herewith the Queen's Commission* under the Great Seal, constituting and appointing you to be Governor and Commander-in-Chief in and over the Colony of British Columbia and its Dependencies, together with Instructions† under the Royal Sign Manual and Signet for your general guidance in the administration of the Government of the Colony.

I have, &c.
(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

*Commission, dated 2d September 1858, vide page 3.

†Instructions dated 2d September 1858, vide page 5.

No. 12.

No. 12.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.
(No. 2.)

SIR,

Downing Street, September 2, 1858.

I HAVE the honour to transmit herewith, for your information and guidance, the copy of an *Order made this day by Her Majesty in Council, by which you are

Order in Council, dated 2d September 1858, vide page 5.

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empowered (subject to the conditions therein mentioned) to make provision for the administration of justice, and to establish all such laws as may be necessary for the peace, order, and good government of the Colony of British Columbia.

BRITISH
COLUMBIA.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON

No. 13.

No. 13.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.
(No. 3.)

SIR, Downing Street, September 2, 1858.
REFERRING to my Despatch No. 8. (Vancouver's Island) of the 14th ultimo, I transmit to you, herewith, the Queen's revocation* of the Crown Grant of the 30th of May 1838, to the Hudson's Bay Company, in so far as the said Grant embraces or extends to the territories comprised within the Colony of British Columbia.

* Vide page 9.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 14.

No. 14.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.
(No. 5.)

SIR, Downing Street, September 2, 1858.
I TRANSMIT, for your information, copies of a correspondence between this Department and the Board of Admiralty, on the subject of affording Naval assistance to British Columbia.

Enclosure 1.
Enclosure 2.
Enclosure 3.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

Enclosure 1 in No. 14.

Enclosure 1 in
No. 14.

SIR, Downing Street, August 11, 1858.
I AM directed by Secretary Sir Edward Bulwer Lytton to acknowledge your letter of the 4th instant, transmitting copies of letters from the Commander-in-Chief of Her Majesty's Naval Forces in the Pacific, dated the 25th June, and from Governor Douglas, of the 12th May preceding, on the subject of affording Naval assistance to British Columbia.

I am to request that you will inform the Lords Commissioners of the Admiralty that Sir Edward Lytton attaches the greatest importance to the presence of a naval force, with as many Marines as can be conveniently spared, off Fraser's River, and that he hopes it may be in the power of their Lordships to meet his views in this respect.

The Secretary to the Admiralty.

I am, &c.
(Signed) H. MERIVALE.

Enclosure 2 in No. 14.

Enclosure 2 in
No. 14.

SIR, Admiralty, August 16, 1858.
WITH reference to your letter of the 11th instant, stating that the greatest importance is attached to the presence of a naval force, with as many Marines as can be spared, off Fraser's River. I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Secretary Sir Edward Bulwer Lytton, a copy of a letter which has been this day addressed to Rear-Admiral Baynes upon the subject.

Herman Merivale, Esq.,
&c. &c.,
Colonial Office.

I am, &c.
(Signed) W. G. ROMAINE.

BRITISH
COLUMBIA.Sub-Enclosure
to Encl. 2 in
No. 14.

Sub-Enclosure to Enclosure 2 in No. 14.

Admiralty, August 16, 1858.

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith a copy of a letter, dated the 11th instant, from Her Majesty's Under-Secretary of State for the Colonies, stating that the greatest importance is attached to the presence of a naval force off Fraser's River; and with reference to former orders upon this subject, and to the observations in your letter of the 25th June, "that you cannot, without distressing other parts of your station, keep a greater force than the 'Satellite' and 'Plumper' at Vancouver's Island," my Lords desire me to inform you that the presence of a force, as referred to in the Colonial Office letter, herewith forwarded to you, is to be considered by you as a more pressing and important service than any other on your station of which they are cognizant.

Having this day received letters from Captain Prevost respecting the recent discoveries of gold at Fraser's River, British Columbia, dated the 17th June last, my Lords deem it important to repeat the expression of their opinion, that every possible assistance, which the means at your disposal will permit, should be given to support the authority of the Governor of the Hudson's Bay territory, and to correct the irregularities which, if not checked, may lead to serious complications.

I am, &c.

(Signed) W. G. ROMAINE.

Rear-Admiral Baynes, C.B.,
Valparaiso.Enclosure 3 in
No. 14.

Enclosure 3 in No. 14.

Downing Street, August 20, 1858.

SIR,

I AM directed by Secretary Sir E. B. Lytton to acknowledge your two letters of the 16th of this month, the one transmitting copy of communication received from Captain Prevost of the "Satellite," the other, copy of the letter addressed by command of the Lords Commissioners of the Admiralty to Rear-Admiral Baynes, on the subject of affording the necessary protection to the local Government in Vancouver's Island, and the region termed in your letter the Hudson's Bay Territory, now the Government of British Columbia; and I have to express Sir E. B. Lytton's sense of the value of the directions thus given by their Lordships in the present crisis, and of the importance of continuing the vigilance now directed towards that quarter.

I am, &c.

(Signed) H. MERIVALE.

The Secretary to the Admiralty.

No. 15.

No. 15.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 6.)

SIR,

Downing Street, September 2, 1858.

I HAVE to acquaint you that directions were sent by the Overland Mail of the 25th ultimo to Rear-Admiral Sir Michael Seymour, to despatch H.M.S. "Tribune" to Vancouver's Island, with as many supernumerary Marines as she can carry and he can spare.

The Lords Commissioners of the Admiralty have further apprised me that the Admiral was instructed, in May last, to send H.M.S. "Pylades" and "Amethyst" to the Pacific Station, as soon as their services in India and China might be no longer required, and that he has now been ordered to send the two ships in the first instance to Vancouver's Island.

I have, &c.

(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 16.

No. 16.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 7.)

SIR,

Downing Street, September 2, 1858.

I TRANSMIT for your information copies of correspondence between this Department and the War Office, which will place you in possession of the measures which have been taken for sending to British Columbia a detachment of the Royal Engineers under the command of a field officer.

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* Vide Paper

Colonel Moody has been appointed to this command, and has also been selected for the office of Chief Commissioner of Lands and Works in British Columbia; and I transmit a copy of the instructions which have been addressed to Colonel Moody with reference to the discharge of his duties in that capacity, and specifying the amount of regimental pay and Colonial allowances to which he and the commissioned and non-commissioned officers and Sappers of the detachment are entitled.

I may further observe, that a ship has been chartered, and is in course of preparation for the conveyance of the larger portion of this detachment by the Horn; but as the passage will consume nearly four months, and it is desirable that you should have the assistance and support of a part of this body without delay, both to represent the military force on this country and to facilitate those surveying and engineering operations which it may be expedient to commence forthwith, I have made arrangements for the despatch of 20 men and an officer by the steamer which leaves this country for Panama on the 2d of next month.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

BRITISH
COLUMBIA.
Enclosure 5

Enclosure 1 in No 16.

Enclosure in
No. 16.

Sir,

Downing Street, July 13, 1858.

I AM directed by Secretary Sir E. B. Lytton to request that you will call the attention of Secretary Major-General Peel to the urgent necessity which appears to exist for affording the assistance of a military force to the civil power in Vancouver's Island and on the opposite coast of North America, under the circumstances detailed in the annexed correspondence relative to the discovery of gold in the Fraser's River District just presented to Parliament.*

The Crown will be advised to constitute immediately a Colonial Government for the Fraser's River District, in connexion, as far as this may be practicable, with that already established in Vancouver's Island. There are one or two of Her Majesty's vessels of war at that island, and this naval force will probably be soon augmented. But it appears to Sir E. B. Lytton that there should be in addition a number of soldiers (say from one hundred to one hundred and fifty), who should, on the Governor's requisition, be marched inland, if there should be occasion for their presence, to obviate the collisions which may be expected between the diggers for gold and the Indians.

Secretary Major-General Peel will be best able to determine in what manner this force should be furnished; whether, for example, by moving the detachment now established on the Red River in North America, where their presence does not seem now to be required, or from the West Indies or elsewhere.

The Under Secretary for War,
&c. &c.

I am, &c.
(Signed) H. MERIVALE.

Enclosure 2 in No 16.

Enclosure 2 in
No. 16.

Sir,

Downing Street, August 3, 1858.

IN acknowledging the receipt of your letter of the 27th ultimo, stating that a party of non-commissioned officers and men of the Royal Engineers will be held in readiness for British Columbia, I am directed by Secretary Sir E. B. Lytton to request that you will observe to Secretary Major-General Peel, that in the selection of the field officer for the command of this detachment, it will be of inestimable value to the prosperous foundation of the settlement that the choice should devolve on a man of good judgment, possessing a knowledge of mankind; for in the difficult situation in which the officer administering the Government of this new Colony will be placed at first, he will find it of great advantage to be able to resort to an adviser on whom he can rely for a sound and disinterested opinion. I am to explain that the object for which this party of Royal Engineers is sent to British Columbia is not solely military, though circumstances may compel it to act in that capacity, but for practical and scientific purposes; that it will be required to execute surveys in those parts of the country which may be considered most eligible for settlement, to mark out allotments of land for public purposes, to suggest a site for the seat of Government and for a sea-port town, to point out where roads should be made, and to render such general aid to the Governor as may be within its competency. The officer administering the Government has been distinctly apprized that this Engineer force will be maintained at the charge of the Imperial Treasury for only a limited period: that if required beyond such period, the Colony will be called upon to defray the expense.

* Vide Papers presented to both Houses of Parliament by Command of Her Majesty, 2nd July 1858.

BRITISH
COLUMBIA

and that the cost of surveys of lands for private individuals must be borne by the purchasers themselves, and be included in the price of the land.

Sir E. Lytton desires me to state that it would be very desirable if amongst this party there were one or two persons possessing a knowledge of mineralogy, and capable of reporting upon the gold, and especially upon the subject of the local resources which Sir Edward has been informed exist in the Colony. I am to request that the officer commanding the Engineers may be instructed that as little display as possible should be made of this military force; that it is the desire of Her Majesty's Government that the immigrants should learn that their interests are identical with those of the Government, which should be carried on in harmony with and by means of the people of the country; and that therefore they are not to rely upon the military as a force for the maintenance of peace and order amongst themselves, or amongst the Native Indians.

Sir E. Lytton considers it indispensable, that besides their scientific instruments, the Engineers should take with them tents, arms, including revolvers, ammunition, and such military equipments as General Peel may deem suitable for emergencies which may, though it is hoped they will not arise.

I am further to state that, in consequence of reports which daily reach this Office, Sir E. Lytton is most anxious that this force should reach British Columbia with as little delay as possible; that he considers that, in every point of view it will be preferable that they should go round Cape Horn instead of by Panama; and that it would therefore be advisable that Major-General Peel should communicate with the Lords Commissioners of the Admiralty with the view of engaging the necessary freight. I am to add that Sir E. Lytton proposes to send by the same opportunity two or three of the public officers whom he intends to appoint to situations in the Colony; and that he will shortly apprise Major-General Peel whether they will be accompanied by their families, and with the number of their servants.

The Under Secretary for War.

I am, &c.
(Signed) H. MERVILLE.

Enclosure 3 in No. 16.

Enclosure 3 in
No. 16.

(Extract.)

SIR,

WITH reference to the correspondence which has passed relative to the force of Royal Engineers about to be despatched to British Columbia, I am directed by the Secretary of State for War to transmit to you, for the consideration of Sir Edward Bulwer Lytton, the accompanying copy of a letter from the Horse Guards, together with its enclosures, giving a detail of the proposed party, and of the pay and allowances to be granted to the officers and men.

Major-General Peel would recommend that the proposals of the General Commanding-in-Chief should be sanctioned and approved, except as regards the Chaplain and Commissariat officer, which appointments Major-General Peel does not consider the circumstances under which this detachment is sent to the Colony render necessary. The number of women may be reduced to twenty.

I am also to transmit the accompanying papers which have been received from the Inspector General of Fortifications, containing suggestions with regard to the equipment to be provided for the detachment; and Sir John Burgoyne has further recommended that a photographic apparatus should be added.

Major-General Peel requests that you will inform him, at your earliest convenience, whether, taking into consideration the nature of the services on which the men will be employed, Sir E. B. Lytton is of opinion that the articles of equipment specified in these suggestions will be required.

H. Merivale, Esq.,
&c. &c.

I have, &c.
(Signed.) J. R. GODLEY.

Enclosure 4 in
No. 16.

Enclosure 4 in No. 16.

SIR,

I HAVE laid your letter of the 17th instant, with its several enclosures, before Secretary Sir E. B. Lytton, and I am directed by him to request that you will inform Secretary Major-General Peel that immediate steps should be taken for despatching the following detachment of Royal Engineers for service in British Columbia:

- 1 Lieut.-Colonel, with a Colonial allowance of 1,200*l.* per annum, besides regimental pay, which should in each case be borne by this country.
- 2 Captains, at a salary of 350*l.* per annum each, in addition also to their regimental pay.
- 3 Subalterns, at 250*l.* per annum each, exclusive of regimental pay.
- 150 Non-commissioned officers and men, with regimental and working pay, accompanied by 20 women, according to the scale submitted by Colonel Gordon in his letter of the 11th instant.

The chaplain and Commissariat officer to be dispensed with; but a Medical officer should be sent. Of this party Sir E. Lytton wishes that 20 non-commissioned officers and men under the orders of a subaltern should be sent on by the mail steamer of the 1st September, via Panama, taking with them such instruments of survey as they may require for immediate use.

The equipment of the General of Fortifications understood that they will not be expended against the Colony.

It will be necessary, in an expedition, it being the establishment of the Treasury of the Colony, for which the War Office immediately available.

It has been urged with one sergeant that they will be to the force.

Colonel Moody has of the 11th instant they should be all may be taken from will raise no objection General Peel.

The Under Secretary for War.

SIR,

As you have settled, on your account.

1st. That the Governor take his orders as immediately and principally power, in the difficult.

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4. The rates of pay

- 1 Chief Commissary
- Works, Clerk
- 1 Captain
- 1 2d Captain
- 1 3d 2d Capt
- 2 Subalterns

- 1 Colour Sergeant
- Sergeant-Major
- 1 Sergeant and 2
- master Sergeants
- 7 Sergeants (one
- 8 1st Corporals
- 8 2d Corporals
- 2 Buglers - }
- 123 Sappers - }

BRITISH
COLUMBIA.

The equipments, military and civil, of which a list has been made out by order of the Inspector General of Fortifications, should be at once procured, subject to the alterations made in it, it being understood that these articles are all deemed by that officer to be absolutely indispensable, and that they will not be expensive; but articles which are essentially military ought not to be made a charge against the Colony.

It will be necessary that an exact account should be kept of all the expenses incurred for this expedition, it being intended that the new Colony shall ultimately defray the entire cost of its establishment. In the meanwhile, arrangements are being made with the Lords Commissioners of the Treasury to advance funds, on the requisition of the Governor, sufficient to cover the expense which this party of Engineers shall occasion (independently, of course, of those expenses for which the War Office is legitimately liable), in case there should be no Colonial resources immediately available for that purpose.

It has been urged by Colonel Moody that one serjeant and one corporal of cavalry, together with one serjeant and one corporal of artillery, should be added to the detachment. It is stated that they will be of material assistance. Sir E. Lytton would wish this addition to be made to the force.

Colonel Moody has also suggested that, besides the rations mentioned in Colonel Gordon's letter of the 11th instant, as necessary to be issued to officers and men, it would be very advisable that they should be allowed to purchase at prime cost stores of clothing, and that a guide for this may be taken from the purse's list on board a man-of-war. I am to state that Sir E. Lytton will raise no objection to this suggestion of Colonel Moody, if it meets with the approval of Major-General Peel.

I have, &c.

(Signed) H. MERIVALE.

The Under Secretary of State
for War.

Enclosure 5 in No. 16.

Enclosure 5 in
No. 16.

Downing Street, August 23, 1858.

SIR,

As you have been selected for the office of Chief Commissioner of Lands and Works in British Columbia, Sir E. B. Lytton considers it desirable to place on record the arrangement which has been settled, on your acceptance of that appointment. It is to be distinctly understood.—

1st. That the Governor is the supreme authority in the Colony. That you will concert with him, and take his orders as to the spots in the Colony to which your attention as to surveys, &c. should be immediately and principally directed. That you will advise and render him all the assistance in your power, in the difficult situation in which it is probable that he will be placed for some time.

2. The Governor will be instructed to regard your duties as special, and that they are not on any account to be interfered with, except under circumstances of the gravest necessity, so that all possible conflict of duties may be avoided. On this point Sir Edward feels persuaded that your character and your Colonial experience are sufficient guarantees against any discordance with the Governor.

3. The Governor will be authorized to draw upon the Lords Commissioners of the Treasury for the payment of the expenses attending the surveying party under your orders, if he should have no funds immediately at hand in the Colony for that purpose. You will, therefore, address your requisitions for money to him, if it should be necessary. At the same time it is well to understand that Her Majesty's Government count on the immediate raising of large Revenues from the land sales and other resources of the Colony, sufficient to defray from the outset the expenses of the survey and of all other except the salary of the Governor. And you will afford the Governor, though without shackling his discretion, the benefit of your talents and experience in any suggestions for ensuring at the earliest period this paramount object.

4. The rates of pay and allowances which have been settled for officers and men are as follows:—

Officers.	Regimental Pay per Annum.	Colonial Allowance.	Total.
1 Chief Commissioner of Lands and Works, Colonel Moody, R.E. -	£ 330	£ 1,200	£ 1,530
1 Captain - - - - -	202	350	552
1 2d Captain - - - - -	202	350	552
1 3d 2d Captain - - - - -	202	350	552
2 Subalterns (each) - - - - -	125	250	375

Non-commissioned Officers and Sappers.

	Regimental Pay per Diem.	Working Pay per Diem.	Total.
1 Colour Sergeant and Acting Sergeant-Major - - - - -	s. d. 3 10½	3s. to 5s.	s. d. 6 10½ to 8 10½
1 Sergeant and Acting Quarter- master Sergeant - - - - -	3 4½	3s. to 5s.	6 4½ to 8 4½
7 Sergeants (each) - - - - -	2 10½	3s. to 5s.	5 10½ to 7 10½
8 1st Corporals - - - - -	2 2½	1s. to 4s.	3 2½ to 6 2½
8 2d Corporals - - - - -	1 10½	1s. to 4s.	2 10½ to 5 10½
2 Buglers - } - - - - -	1 2½	1s. to 4s.	2 2½ to 5 2½
123 Sappers - }			

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BRITISH
COLUMBIA.

5. It is agreed that you shall remain in the Colony one year from the date of your arrival, and that you will not quit it unless you are satisfied that the officer you leave in charge is fully competent to the work before him, and that the public service is not prejudiced by your return to England. Should you desire to stay longer for the execution of works in which you are actively engaged, and to which you consider your presence essential, you will communicate that wish to Her Majesty's Government. You will make it your care to furnish this Department from time to time with full reports of the various resources and capabilities of the Colony, according to the information which the exercise of your functions will necessarily give you, and with a view to the development of the social and industrial prosperity and welfare of the Colony,—its mines, its fisheries, the quality of its coal, the nature of the soil, the maritime approaches to the Colony, if held distinct from the island.

These reports will be sent to this Department through the Governor.

Colonel Moody, R.E.,
&c. &c.

I am, &c.
(Signed) H. MERIVALE.

No. 17.

No. 17.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
(No. 8.)
DOUGLAS.

SIR,

Downing Street, September 2, 1858.

* Page 44.

IN one of the Despatches, No. 6*, which I addressed to you last July, it was mentioned that the detachment of Royal Engineers which Her Majesty's Government considered advisable to send to British Columbia would be maintained at the Imperial cost for only a limited period, and that if continued afterwards the Colony would have to defray the expense thereof.

I can scarcely doubt that you will have noticed that when I wrote that Despatch I had not received those reports from you, nor was the public in possession of that general information, which ascribe to the Colony the prospect of raising a large and early Revenue. This more recent intelligence has necessarily caused an alteration in my views with respect to the first charge for the Engineer party. I desire, therefore, to state, that as the Despatch to which I have above alluded was written before I was aware of the great prospects of the Colony, Her Majesty's Government having since become apprized of that fact, feel that it would be impossible to impose on this country the charge for the Engineers which, under other circumstances, it might have been proper it should have assumed. It is therefore imperatively necessary for me to repeat, what indeed has been very frequently mentioned, that Her Majesty's Government expect that British Columbia shall be self-supporting, and that the first charge upon the land sales must be that of defraying all the expenses which this Engineer party shall occasion. Any expenditure which the British Treasury shall have incurred on this account will have to be reimbursed by the Colony as soon as its circumstances permit, and for which I have now to instruct you to make suitable provision.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 18.

No. 18.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
(No. 9.)
DOUGLAS.

SIR,

Downing Street, September 2, 1858.

Enclosure 1.
Enclosure 2.

I TRANSMIT to you herewith, for your information, copy of a correspondence between the Treasury and this Office on the subject of the Postal Arrangements between this country and British Columbia.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

Enclosure 1 in
No. 18.

Enclosure 1 in No. 18.

SIR,

Downing Street, August 3, 1858.

I AM directed by Secretary Sir E. B. Lytton to request that you will represent to the Lords Commissioners of the Treasury that the establishment of the Colony of British Columbia, and the extensive immigration flowing, according to all accounts, into that country, make it very desirable that some safe and regular Postal communication should be formed between this Kingdom and the Colony. Sir Edward Lytton therefore requests that the Lords Commissioners would take this subject

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into their consideration, and favour him with their opinion as to the possibility of establishing such means of communication.

Sir C. E. Trevelyan, K.C.B.
&c. &c. &c.

I am, &c.
(Signed) H. MERIVALE.

BRITISH
COLUMBIA.

Enclosure 2 in No. 18.

Enclosure 2 in
No. 18.

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Treasury Chambers, August 25, 1858.

With reference to your letter of 3d instant, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Sir E. Bulwer Lytton, that they have had under their careful consideration the important subject of establishing a Postal communication with the Colony of British Columbia, and have been in correspondence with the Admiralty and the Post Office in relation thereto.

I am to state that if the position of the Colony at the present time were such as to warrant a large expenditure, whether from Imperial or Colonial resources, my Lords would be disposed to prefer a service from this country to Halifax or some port in connexion with our North American Colonies adopting, probably, the existing Postal service for so far, and to invite tenders for a service from thence to Colon, in extension, probably, of that recently established to Nassau, and further to invite tenders for a service between Colon or Panama and Vancouver's Island.

But my Lords have reason to believe that the cost of that service would be very large, that between Panama and Vancouver's Island alone being estimated by the Admiralty at not less than 100,000*l.* a year.

My Lords would not consider themselves warranted in sanctioning, under the present circumstances of the Colony of British Columbia, so large a charge, the whole of which for some time to come would have to be defrayed out of the Imperial resources.

In addition to this there are other considerations, connected with the want of harbour accommodation, and with the development of the coal fields at Vancouver's Island, which render it probable that a contract after some time may be more advantageously entered into for the service than at present.

My Lords, therefore, are disposed to the opinion, that for the present it may be advisable to form the Postal communication between this country and British Columbia by the Royal Mail Steam Company to Colon, whose vessels leave Southampton on the 2d and 17th of each month, under the contract of July 5th, 1850; that a temporary arrangement should be made by Her Majesty's Postmaster-General with the Postmaster of the United States, for transmitting the letters from Panama by the United States mail steamers to San Francisco; and that tenders should be invited by public advertisement for performing the service between San Francisco and Vancouver's Island.

My Lords would not be disposed to limit these tenders as regards size of vessels, or to require for the present any extraordinary speed.

It seems to them more expedient to leave to parties who may tender the option of naming such size and speed as may be most suitable, as well for the passenger trade as for the Postal service.

As the times when the Mail Steamers of the United States leave and arrive at Panama do not accord with the arrival and departure of the vessels of the Royal Mail Steam Company on the eastern side of the isthmus, my Lords would invite the Postmaster of the United States to reconsider the times of arrival and departure of the United States Mail Steamers between Panama and San Francisco.

In the event of satisfactory tenders not being made in this country for this service, my Lords would propose that the Postmaster of the United States should be requested to make arrangements at San Francisco for the regular transmission of letters from thence to Vancouver's Island, for a limited time, suppose one or two years.

I am to request you to move Sir E. Bulwer Lytton to favour my Lords with his opinion on the subject. If he should approve of the course which their Lordships suggest, immediate instructions will be given by this Board to the Lords Commissioners of the Admiralty and the Postmaster-General, to adopt the necessary means for establishing this Postal communication between this country and British Columbia without further delay.

I am desired to enclose two letters on this subject from the Admiralty and Postmaster-General.

I am, &c.

(Signed) GEO. A. HAMILTON.

H. Merivale, Esq.,
&c. &c.

Sub-Encl. 1.
Sub-Encl. 2.

Sub-Enclosure 1 to Enclosure 2 in No. 18.

Sub-Enclosure
1 to Enclosure 2
in No. 18.

Sir,

Admiralty, August 17, 1858.

With reference to your letter, No. 14,092 of the 13th instant, transmitting copies of letters from the Colonial Office and the Postmaster-General relative to a proposed Postal communication with the new Colony of Columbia, and requesting to be favoured with the opinion of my Lords Commissioners of the Admiralty as to the best means of providing for the service, I am commanded by the Lords Commissioners of the Admiralty to request you will state to the Lords Commissioners of Her Majesty's Treasury that my Lords consider that tenders should be called for to ascertain what parties are able and willing to undertake the service of carrying Her Majesty's Mails between Panama and Vancouver's Island direct, and they apprehend that the Mails should be

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BRITISH COLUMBIA. carried via Halifax or New York, as a means of directly connecting the new Colonies with British North America. My Lords do not foresee any difficulty in procuring good and substantial parties to carry out the service from Halifax or New York to Colon, as a branch of the North American Packet Service. The annual cost of this would probably be about 25,000*l*. In the meantime, the mails to be carried in the Packets of the Royal Mail Company to Colon.

With regard to the service from Panama to Vancouver's Island, my Lords would remark, that there are no docks for the repair of large ships at any port between those places, except at San Francisco, a foreign port; while this distance, 4,150 miles, is so great that it cannot be carried out in small vessels. Coals at Panama are very dear, and wages all along the west coast of North America are exorbitantly high.

For these reasons a subsidy of not less than 100,000*l* a year would probably be required to obtain the only class of vessels which could satisfactorily carry on the Postal communication between the Isthmus and Vancouver's Island direct.

To organize and get such a service into active operation would require a considerable length of time, and my Lords would, therefore, suggest whether an arrangement should not be come to with one or more of the United States' lines now running almost weekly between Panama and San Francisco, and tenders for a limited time be called for from those parties for carrying on the Mail Service from San Francisco to Vancouver's Island, pending arrangements being made and carried out for an English line direct from Panama to Vancouver's Island.

The Secretary of the Treasury.

I am, &c.
(Signed) W. G. ROMAINE.

Sub-Enclosure
2 to Enclosure 2
in No. 18.

Sub-Enclosure 2 to Enclosure 2 in No. 18.

MY LORDS.

General Post Office, August 11, 1858.

In returning the enclosed letter, referred to me by your Lordships on the 7th instant, I beg to observe that I entirely concur with Secretary Sir Edward Bulwer Lytton in the opinion that it will be very desirable to establish as speedily as possible a good and regular Postal communication with the new Colony of British Columbia, and I conclude that letters will be forwarded with the greatest advantage via Panama.

By the packets of the Royal Mail Steam Packet Company mails can be sent twice a month between Southampton and Colon, and the passage of the Isthmus is effected in a few hours.

Between Panama and San Francisco there is also a Postal communication twice a month, by means of United States' mail packets; but neither the departure of these packets from Panama nor their arrival at Panama is fitted to the British Packet Service to and from Colon, and mails forwarded by them would, therefore, be exposed to some detention on the Isthmus.

Further, if the United States packets were made use of, provision would require to be made for the conveyance of the mails between San Francisco and British Columbia.

Under these circumstances it becomes a question whether steps should not be taken with the object of setting up a communication by British packets for the entire distance between Panama and British Columbia; and if your Lordships are of the same opinion, I presume that you will consult the Lords Commissioners of the Admiralty as to the best means of carrying the object into effect.

The Lords Commissioners of the Treasury.

I have, &c.
(Signed) COLCHESTER

No. 19.

No. 19.

COPY OF DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 12.)

Sir,

Downing Street, September 2, 1858.

In my Despatch of the 31st July, No. 6*, I directed your attention to the treatment of the Native Indians in the country which it has so recently been decided to establish as a British Colony. I regard that subject as one which demands your prompt and careful consideration. I now transmit to you the copy of a letter from the Aborigines Protection Society, invoking the protection of Her Majesty's Government on behalf of these people. I readily repeat my earnest injunctions to you to endeavour to secure this object. At the same time I beg you to observe that I must not be understood as adopting the views of the Society as to the means by which this may be best accomplished.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

* Page 41.

Enclosure.

To the Right

SIR,

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Enclosure in No. 19.

To the Right Honourable Sir EDWARD BELWER LYTTON, M.P., Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

BRITISH
COLUMBIA.
Enclosure in
No. 19.

SIR,

As the Aborigines Protection Society have for many years taken a deep interest in the welfare of the Indian Tribes to the west as well as the east of the Rocky Mountains, I am instructed to address you on certain matters affecting not only the rights and interests but the very existence of the numerous Indian population of the new Colony of British Columbia. It appears, from all the sources of information open to us, that unless wise and vigorous measures be adopted by the representatives of the British Government in that Colony, the present danger of a collision between the settlers and the natives will soon ripen into a deadly war of races, which could not fail to terminate, as similar wars have done on the American continent, in the extermination of the red man.

The danger of collision springs from various causes. In the first place, it would appear from Governor Douglas's Despatches as well as from more recent accounts that the natives generally entertain ineradicable feelings of hostility towards the Americans, who are now pouring into Fraser's and Thompson's Rivers by thousands, and who will probably value Indian life there as cheaply as they have, unfortunately, done in California. The reckless inhumanity of the gold diggers of that state towards the unfortunate Indians is thus described in a recent number of the *New York Times* :—

"The country is perfectly wild, and a dense forest, full of warlike Indians; and, with the well-known injustice of the miner towards anything of the genus Indian or Chinaman, and their foolhardiness, they will get up a series of little amusements in the way of pistolling and scalping, quite edifying. It is the custom of miners generally to shoot an Indian as he would a dog; and it is considered a very good joke to shoot at one at long shot, to see him jump as the fatal bullet pierces his heart. And when, in the spirit of retaliation, some poor hurried relative watches his opportunity, and attacks a straggling white man, the papers at once teem with long accounts of Indian outrages. And yet the men that shoot down these poor Indians are not the ruffians we are led to suppose are always the authors of atrocities, but the respectable sovereign people, brought up in the fear of God by pious parents, in the most famed locations for high moral character. The Indian and Chinese murders are more frequently committed by men brought up in the quiet country villages of eastern states, and who return looking as innocent as lambs. There never yet existed so bad a set of men on the face of this fair earth as a certain class of the highly respectable sovereigns of the states who find their way to the frontiers. It is much to be rejoiced at that the Fraser River Indians are of a serious turn of mind, and can't take a joke; and in their ignorance of the sports and pastimes of the great American nation may deprive some of the practical jokers of their 'hatches.'"

The necessity which is imposed upon Her Majesty's Government to adopt measures to protect the Indians against this class of diggers is too obvious to require any further illustration or argument on our part.

But there is another aspect of the question which is of equal importance. The Indians, being a strikingly acute and intelligent race of men, are keenly sensitive in regard to their own rights as the aborigines of the country, and are equally alive to the value of the gold discoveries; no better proof of which could be furnished than the zest and activity with which large numbers of them have engaged in gold digging. Governor Douglas states that in the earlier stages of the gold discoveries they endeavoured to expel the settlers, who were then few in number, and to obtain possession of the fruits of their labour. But he also states that while manifesting a determination to reserve the gold for their own benefit, they yet respected the persons and property of the whites. Other accounts describe the Indians as "quiet and peaceful," but state that "as soon as a miner lays down his pick an Indian stands by to make use of it for himself, and when he lays down the shovel for the pick the Indian takes the shovel, and relinquishes the other implement." They are further described as having learnt the full value of their labour; in proof of which it is stated that they now charge five dollars to eight dollars a day, instead of one dollar, for their services as boatmen in navigating Thompson's and Fraser's rivers.

As, therefore, the Indians possess an intelligent knowledge of their own rights, and appear to be determined to maintain them by all the means in their power, there can be no doubt that it is essential to the preservation of peace in British Columbia that the natives should not only be protected against wanton outrages on the part of the white population, but that the English Government should be prepared to deal with their claims in a broad spirit of justice and liberality. It is certain that the Indians regard their rights as natives as giving them a greater title to enjoy the riches of the country than can possibly be possessed either by the English Government or by foreign adventurers. The recognition of native rights has latterly been a prominent feature in the aboriginal policy of both England and the United States. Whenever this principle has been honestly acted upon, peace and amity have characterized the relations of the two races, but whenever a contrary policy has been carried out, wars of extermination have taken place; and great suffering and loss, both of life and property, have been sustained both by the settler and by the Indian. We would beg, therefore, most respectfully to suggest that the Native title should be recognized in British Columbia, and that some reasonable adjustment of their claims should be made by the British Government.

The present case resembles no common instance of white men encroaching on the lands and rights of aborigines for hunting or settlement. It more than realizes the fabulous fends of Gryphons and Arimaspians, and no ordinary measures can be expected to overcome the difficulties which duty and interest require to be removed if British Columbia is to become an honourable or advan-

BRITISH
COLUMBIA.

ganeous portion of the British Dominions. It would seem that a Treaty should be promptly made between the delegates of British authority and the chiefs and their people, as loyal, just, and pacific as that between William Penn and the Indians of Pennsylvania, but that more stringent laws should be made to ensure its provisions being maintained with better faith than that was carried out on the part of the whites. No nominal protector of aborigines,—no annuity to a petted chief,—no elevation of one chief above another, will answer the purpose. Nothing short of justice in rendering payment for that which it may be necessary for us to acquire, and laws framed and administered in the spirit of justice and equality, can really avail. To accomplish the difficult but necessary task of civilizing the Indians, and of making them our trusty friends and allies, it would seem to be indispensable to employ in the various departments of Government a large proportion of well-selected men, more or less of Indian blood, (many of whom could be found at the Red River,) who might not only exert a greater moral influence over their race than we could possibly do, but whose recognized position among the whites would be some guarantee that the promised equality of races should be realized. The adoption of these or similar measures would, we believe, propitiate the goodwill of the Indians; and instead of obstructing the work of colonization they might be made useful agents in peopling the wilderness with prosperous and civilized communities, of which they one day might form a part.

I have, &c.
F. W. CUESSON,
Secretary.

No. 20.

No. 20.

COPY OF DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 13.)

SIR,

Downing Street, September 2, 1858.

I HAVE to acquaint you that the Society for the Propagation of the Gospel propose to send one or two Missionary Chaplains to British Columbia, with as little delay as possible, and that the first of these clergymen will probably proceed to the Colony by the freight ship appointed to sail on the 15th proximo.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 21.

No. 21.

COPY OF DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 14.)

SIR,

Downing Street, September 2, 1858.

I TRANSMIT to you herewith, for your information, the copy of a letter which I have addressed to Colonel Moody on the subject of granting land, on certain conditions, to the non-commissioned officers and men of the Royal Engineers who are now going to British Columbia.

2. I take this opportunity of instructing you to report to me your opinion whether it would be desirable for the interests of the Colony to grant remissions on the purchase of land to retired officers of the Army and Navy, as was formerly the custom in many of the British Colonies. Care might be taken, if ever Representative Institutions are established in the Colony, and arrangements are made for securing a Civil List in return for the lands of the Crown, that the privileges I suggest should, for a certain length of time at least, be secured to military settlers. You will report to me your careful and deliberate views upon this subject.

3. You will furnish me, at your early convenience, with a list of such officers for Civil situations, together with the rates of pay which you think they should receive, as the circumstances of the Colony shall, in your opinion, render it desirable for me to send from England. I shall be happy to assist you to the best of my ability in making proper selections; for I think that, considering the great number of foreigners who are resorting to British Columbia, it is on every account proper to give encouragement to Englishmen of character and respectability to go out to the Colony.

4. You will report to me officially, by each successive mail, and by every safe opportunity that presents itself, on all matters of interest and importance to the Colony. At

Enclosure.

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Governor D
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SIR,
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Copy of DE

(No. 16.)

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present Her Majesty's Government only receive such accounts through the newspapers, or through the courtesy of the Hudson's Bay Company and private individuals.

BRITISH
COLUMBIA.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

Enclosure in No. 21.

Enclosure
No. 21.

Sir,

Downing Street, September 1, 1858.

In case there should be any misunderstanding as to the suggestions of the Inspector-General of Fortifications, that the non-commissioned officers and men of the Royal Engineers who are going out to British Columbia should receive grants of land, Secretary Sir Edward Lytton directs me to state that he is willing, and the Governor shall be instructed accordingly, that the men should be allowed such grants of agricultural, not mining land, not exceeding 30 acres each, after 6 years' continuous good faithful service in British Columbia, on condition of residence and military service within the Colony, if called upon.

I am to suggest to you that it might be advisable, with the concurrence of the Governor, to locate the men, if they should be located at all, along the frontier, or in the neighbourhood of future naval and military posts.

Sir E. Lytton will send a copy of this letter to the Secretary of State for War, for his information, as well as to the Governor, with whom you will confer on this subject.

I have, &c.
(Signed) CARMARVON.

Colonel Moody, R.E.
&c. &c.

No. 22.

No. 22.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 16.)

Sir,

Downing Street, September 2, 1858.

In addition to what is contained in my Despatch transmitting you the Order in Council for the Government of British Columbia, your Commission and Instructions, and the Instrument revoking the exclusive licence of the Hudson's Bay Company in British Columbia, I wish to address you a few words on the legal position which you now fill, and the nature of your immediate duties.

Your first duty will be to proclaim the Act of Parliament under which British Columbia was to be governed. This Act has already been sent you, and without any express directions as to the manner and time of making it known. Probably you have already made it public; but I apprehend that no legal proclamation of it, so as to give its provisions effect, could take place until you were yourself commissioned as Governor. The formal proclamation of it must therefore be made as early as possible.

According to the opinion of lawyers in general, the colonists of a territory circumstanced like British Columbia carry with them the law of England, so far as it is applicable to their circumstances. Acts, therefore, done in accordance with the law of England, will be substantially legal, although done before any regular authority was constituted there. But your own special authority to make regulations, or enforce them, for the preservation of peace and order, could only be created by the act of the Crown, and cannot commence until you receive their commission; you will therefore have, doubtless, been compelled by the necessity of the case to perform many acts, in accordance with the spirit of your instructions from myself, and my predecessors in this Department, but for which strict legal authority was wanting. It will be necessary to cover these by a Proclamation, having force of law, under the power with which you are invested, to indemnify yourself and those who have acted under your authority from legal proceedings.

You are therefore authorized to issue two Proclamations, of the same date with your assumption of the Government.

The one, which is rather matter of solemn form than of absolute necessity, to declare the law of England prevalent throughout the Colony, subject, of course, to your own power of modifying it by laws enacted by yourself when absolute necessity requires.

The other, to indemnify yourself and your subordinate officers in manner aforesaid.

I send you by the present mail forms of both these Proclamations, which you will be able to adapt to suit the exigencies of the case, if any change is required.

Almost the first point to which your attention will be directed will be the establishment of a Court or Courts of Justice, with the necessary machinery for the maintenance of law and order.

Enclosure 1
Enclosure 2.

BRITISH
COLUMBIA.

Her Majesty has issued a Commission to Mr. Begbie, who will proceed by this or next packet, as Judge of British Columbia.

His title and duties have not been more particularly specified, because they must be defined by yourself, after consultation with him, by such law as you may enact providing for the administration of justice.

It will also be essential that you should constitute Juries; but as this is done by law in Vancouver's Island, you have a precedent ready at hand, and no further instructions are necessary from me.

Mr. Begbie has been fully instructed, that, although invested with the very important office of Judge, he will nevertheless have the kindness, for the present at least, to lend you his general aid for the compilation of the necessary laws and other legal business. This is the more proper duty of an Attorney-General; and, should the Colony advance, as seems at present possible, the services of such an officer will no doubt be urgently required. But I have not yet thought myself authorized to advise the Crown to appoint one, until I hear from yourself as to the civil functionaries best adapted to the present requirements of the Colony. I trust to receive your suggestions by the first opportunity. From such intelligence as has reached me of the state of things in California, I have been led to believe that it would be of great service if the rights of miners could be briefly established and defined beforehand by law, instead of being left to grow up by mere custom or accident. But this is not a subject on which I have the means of assisting you. Possibly you may find that such a body of regulations might be drawn up with the aid of a few intelligent persons selected from among the miners themselves, and in whom that body would have confidence.

With these few observations, I leave with confidence in your hands the powers intrusted to you by Her Majesty's Government. These powers are indeed of very serious and unusual extent; but Her Majesty's Government fully rely on your moderation and discretion in the use of them. You are aware that they have only been granted in so unusual a form on account of the very unusual circumstances which have called into being the Colony committed to your charge, and which may for some time continue to characterize it. To use them, except for the most necessary purposes, would be, in truth, to abuse them greatly. They are required for the maintenance of British law and British habits of order, and for regulating the special questions to which the condition and employment of the population may give birth. But the office of legislation, in the higher and more general sense, should be left for the Legislature which may be hereafter constituted, and which Her Majesty's Government hope will be constituted at the first time consistent with the general interests of the Colony. And you will above all remember that the ordinary rights and privileges of British subjects, and of those foreigners who dwell under British protection, must be sedulously maintained, and that no innovation contrary to the principles of our law can be justified, except for purposes of absolute and temporary necessity.

I will only add, that although it has been judged prudent not to make the revocation of the Hudson's Bay Company's licence take effect until proclaimed by yourself, it is the particular instructions of Her Majesty's Government that you proclaim it with the least practicable delay, so that no questions like those which have already arisen as to the extent and nature of the Company's rights can possibly occur.

I have, &c.
Governor Douglas,
&c. &c.

(Signed) E. B. LYTTON.

Enclosure 1 in
No. 22.

Enclosure 1 in No. 22.

PROCLAMATION, having the Force of Law, to declare that English Law is in force in British Columbia.

WHEREAS by an Act of Parliament passed in the Session held in the 21st and 22d years of Her Majesty Queen Victoria it was enacted, that the territories therein described should be comprised within the Colony thereby created of British Columbia; and it was further enacted, that on the proclamation of the said Act in British Columbia certain Acts which were passed in the 43d year of His late Majesty King George the Third and in the second year of His late Majesty George the Fourth, and by which the law of Upper Canada was extended to certain parts of America therein mentioned, should cease to have force in the said Colony of British Columbia, or to be applicable thereto:

And whereas such proclamation of the said first-mentioned Act was duly made on the day of last:

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland Her Majesty was pleased to appoint James Douglas to be Governor of British Columbia, and

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Copy of DES

(No. 17.)

Sir,
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Governor Dou
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I AM direct
Secretary Sir Edw
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Packet Company of

Herman Merival
&c. &c.

to authorize the said James Douglas, by Proclamation issued under the Great Seal of the said Colony, to make laws, institutions, and ordinances for the peace, order, and good government thereof:

BRITISH
COLUMBIA.

It is therefore hereby enacted and proclaimed by the Governor of British Columbia, that the Civil and Criminal Laws of England, as the same existed at the [date of the said proclamation of the said Act], and so far as they are not from local circumstances inapplicable to the Colony of British Columbia, are and will remain in full force within the said Colony till such time as they shall be altered by Her said Majesty in Her Privy Council, or by me, the said Governor, or by such other Legislative Authority as may hereafter be legally constituted in the said Colony, and that such laws shall be administered and enforced by all proper authorities, against all persons infringing and in favour of all persons claiming protection of the same laws.

Enclosure 2 in No. 22.

Enclosure 2 in
No. 22.

PROCLAMATION, having the Force of Law, to indemnify the Governor and other Officers for Acts done before the Establishment of any legitimate Authority in British Columbia.

WHEREAS large numbers of Her Majesty's subjects and others have resorted to and settled on the territory now comprised within the limits of this Colony, before the establishment of any settled form of Government therein, and it has been necessary to take steps for the establishment and maintenance of peace, order, and good government, and for the protection of the rights of Her Majesty, and for the collection of a Revenue from lands belonging to Her Majesty, some of which steps may not have been fully authorized in point of law: And whereas, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, Governor of the Colony of British Columbia, have been authorized, by Proclamation issued under the Great Seal of the Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same.

Be it therefore known to all whom it may concern, That I, the said James Douglas, Governor of British Columbia, do hereby, in virtue of the authority aforesaid, enact and proclaim that every act, matter, or thing bona fide done and performed for any of the purposes aforesaid before the date of this Proclamation, by me, the said James Douglas, or by any other person or persons acting under my authority or direction, shall be deemed to be and to have been valid in law; and that I, the said James Douglas, and the said other persons, shall be and hereby are severally and jointly indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatever in respect of any such act, matter, or thing, and that the same shall not be questioned in any of Her Majesty's Courts of Civil or Criminal Jurisdiction in this Colony.

And I do further enact and proclaim, that any declaration in writing under the hand of the Governor or officer administering the Government of British Columbia to the effect that any act, matter, or thing specified therein was done or performed for any of such purposes or under any such direction or authority as aforesaid, shall, for the purposes of this Proclamation, be conclusive evidence of the matters stated therein, and shall be a sufficient discharge and indemnity to all persons mentioned in the said declaration, in respect of the act, matter, or thing specified therein.

No. 23.

No. 23.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 17.)

SIR,

Downing Street, September 2, 1858.

I SEND for your information copy of correspondence between this Department and the Foreign Office, touching certain queries addressed to Her Majesty's Minister at Washington by the Secretary to the Pacific Mail Steam Packet Company.

Enclosure
Enclosure 2.

I have, &c.

Governor Douglas,
&c. &c.

(Signed) E. B. LYTTON.

Enclosure 1 in No. 23.

Enclosure 1 in
No. 23

SIR,

Foreign Office, July 26, 1858.

I AM directed by the Earl of Malmesbury to transmit to you herewith, to be laid before Secretary Sir Edward Bulwer Lytton, a copy of a Despatch from Her Majesty's Minister at Washington, enclosing a copy of a letter addressed to him by the Secretary to the Pacific Mail Steam Packet Company on the subject of the jurisdiction of the Hudson's Bay Company.

Sub-Enclosure

I am, &c.

Herman Merivale, Esq.,
&c. &c.

(Signed) E. HAMMOND.

BRITISH
COLUMBIA.

Sub-Enclosure to Enclosure 1 in No. 23.

MY LORD,

Nalant, near Boston, July 12, 1858.

THE accompanying letter has been addressed to me by Mr. W. Hodge, a respectable gentleman at Washington, on behalf of the Pacific Mail Steam Ship Company of New York, who desire to establish regular steam communication between California and Her Majesty's Possessions north of the 49th parallel.

I have not assumed the responsibility of giving an official answer to questions involving the jurisdiction of the Hudson's Bay Company, a subject with which I am imperfectly acquainted. I have reserved these inquiries for the consideration and decision of Her Majesty's Government.

Your Lordship has, probably, been informed from another quarter of the discovery of gold deposits in the basin of Fraser's River, and of the rush of labourers to this new field of enterprise.

Should the reports of mineral wealth in the British territory prove to be well founded, a turbulent and adventurous population will shortly be collected, ill disposed to submit to the authority of the Hudson's Bay Company, and impatient to possess at least of those rights of property and self government which they have exercised in their previous places of abode.

The influx of consumers will be attended by the development of traffic, and the citizens of the neighbouring states will see with reluctance the profits of trade monopolised by a British corporation, though, I doubt not, those exclusive rights would be exercised liberally for the benefit of an improvident community.

Finally, the immigration of large bodies of armed and reckless men can hardly fail to produce collisions with the Indians, and to be accompanied by injustice to that people, who have been reconciled to the Government of the Company by a long course of judicious treatment.

Should the abundance of precious metals fall below expectation, still the present emigration will probably lay the basis of an agricultural state, and open the country to progressive settlement.

In either case, it is apparent that the British Possessions cannot long be maintained as a preserve for the trade in furs, and that the jurisdiction of the Company must be dissolved, or restricted to regions less susceptible of profitable culture. * * * * *

The Earl of Malmesbury,
&c. &c.I have, &c.
(Signed) NAPIER.

MY LORD,

Washington, July 2, 1858.

I AM requested by the President of the Pacific Mail Steam Ship Company to obtain the following information, viz:—

1. What Revenue powers are granted to the Hudson's Bay Company by the British Government, and what reserved by the Government?

2. Are there any privileges or facilities granted by the treaty stipulations or otherwise to American vessels in the ports of Vancouver's Island and the British Possessions on the Pacific?

3. Is there any other British port of entry besides "Victoria" on Puget's Sound, and what are the port charges and tonnage dues?

4. What regulations, if any, could be made in favour of a line of American steamers regularly running between the ports of California to Esquimalth or Fisgard, a good harbour near Victoria, which latter is a poor one?

5. Are there any difficulties in American steamers touching regularly at Esquimalth, and who has jurisdiction there, the British Government or the Hudson's Bay Company?

The above is a rich and powerful Company, having 12 or 15 fine steamers in the Pacific, and have the contract for carrying the mails of the United States from Panama to San Francisco, and from the latter place to Oregon and Washington.

Their object is, if circumstances admit of it, to establish at once a regular line of steamers between California and the British Possessions to the northward, including Vancouver's Island, than which, probably, nothing would tend more rapidly to develop the resources and increase the population of these territories.

I shall feel obliged by any information your Lordship can give me on the above points, so far as you feel at liberty to do so.

The Lord Napier,
&c. &c.I have, &c.
(Signed) WM. HODGE.

Enclosure 2 in No. 23.

SIR,

Downing Street, August 25, 1858.

Enclosure 2 in
No. 23.

I AM directed by Secretary Sir E. B. Lytton to request that you will inform Lord Malmesbury that the following answers may be given by Lord Napier to the queries addressed to him by the Secretary to the Pacific Mail Steam Packet Company, on the affairs of British Columbia, as communicated in your letter of the 26th ultimo.

1. The Hudson's Bay Company have power over the Land Revenue of Vancouver's Island, under the restrictions imposed by their grant of the island. They have no other Revenue power of any kind.

2. The stipulation Lytton is not at present
3. This Department is not at present
4. No regulations are made
5. This Department is not at present
Legislative and Executive

E. Hammond, Esq.
&c. &c.

Copy of DESPATCH

(Separate.)

SIR,
From information received from the Admiralty, in a report you have not already submitted, I submit this suggestion to add the self-evident advantages which will long emerge from the Hudson's Bay Company's possession, and which have been observed.

Governor Douglas,
&c. &c.

Copy of DESPATCH

(No. 20.)

SIR,
I HAVE received information from the public authorities of British Columbia since the publication of the report. It affords me much satisfaction to see Her Majesty's Government have been so unopposed on which it is necessary. First, however, I ships "Satellite" and assistance which they that they will continue will admit of their 2. I notice with Fraser's River with It is certainly much of the Revenue is Government to provide, to supply you and capability will of preserving order that for the infantry military force, even not resorted to unless 3. As to the "land" correctly understood

2. The stipulations contained in treaties can be ascertained by the querists; but Sir E. Bulwer Lytton is not at present aware of any such privileges or facilities as are suggested.

3. This Department has no information of there being any British port of entry in Vancouver's Island besides Victoria, nor of any port charges or tonnage dues which may be levied there.

4. No regulations could be made in favour of any American line of steamers, as against and excluding any British line; but to impose such general regulations as may be found advisable must be left to the local authorities, subject to the approval of Her Majesty's Government.

5. This Department is not aware of any difficulties against American steamers touching at Esquimalt. The Hudson's Bay Company have the ownership of the soil at Esquimalt, but the Legislative and Executive powers belong to the local Government of Vancouver's Island.

I am, &c.

E. Hammond, Esq.
&c. &c.

H. MERIVALE.

No. 24.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(Separate.)

Sir, Downing Street, September 2, 1858.
From information which has just reached me from the Lords Commissioners of the Admiralty, in a report sent by Captain Richards, it would seem desirable to appoint, if you have not already done so, Gold Commissioners armed with the powers of magistrates. I submit this suggestion to your local experience, and I feel that it must be unnecessary to add the self-evident caution, to form at once a Police at the diggings.

You will long ere this have received instructions not to close Fraser's River, nor arrogate for the Hudson's Bay Company privileges of exclusion which they did not really possess, and which will no longer be subjected to the misunderstanding which I regret to have observed.

I have, &c.

(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 25.

Copy of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

(No. 20.)

Sir, Downing Street, September 16, 1858.
I HAVE received your Despatch of the 26th July,* No. 31, with its enclosures, reporting the public measures which you have adopted for the Government of British Columbia since the 1st July.

It affords me much satisfaction to signify to you generally the continued approval by Her Majesty's Government of your proceedings in the difficult position in which you have been so unexpectedly placed; but there are a few points mentioned in your Despatch on which it is necessary that I now should touch.

First, however, I request that you will convey to the officers commanding Her Majesty's ships "Satellite" and "Plumber" my best acknowledgments for the cordial and practical assistance which they have rendered to you on all occasions, and express my persuasion that they will continue to afford the same whenever the service on which they are engaged will admit of their so doing.

2. I notice with regret, though not with surprise, that boats, &c. have ascended Fraser's River without a Customs' permit, or the prepayment of the regulated mining fee. It is certainly much to be desired that you possessed a force adequate for the protection of the Revenue laws of the country, but it is totally impossible for Her Majesty's Government to provide you with such a force from England. The most that we can do is to supply you with suitable and well-recommended public officers, whose experience and capability will enable them to assist you in raising a force in the Colony itself, capable of preserving order, and causing the law to be obeyed. On this point I have to observe, that for the infraction of the Revenue Laws, and for all ordinary purposes, the use of military force, even if this country were able to supply it, is full of danger, and better not resorted to unless in case of absolute necessity.

3. As to the "lawless intrusion of foreign ships and people into Fraser's River," if I correctly understand this expression, you will have received such definite instructions

No. 24.

No. 25.

* Page 22.

No. 27.

Copy of a DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 25.)

Sir,

Downing Street, September 24, 1858.

You will have observed that the Letters Patent which appoint you to be Governor of British Columbia contemplate the appointment also of a "Lieutenant-Governor" or other officer commissioned by Her Majesty to administer the Government of the Colony in the event of your "death, incapacity, removal, or absence from the said Colony."

The position and experience of Colonel Moody point him out as the most fitting person to hold the dormant Commission of Lieutenant-Governor, and I have accordingly advised Her Majesty to confer that appointment upon him.

I enclose for your information copy of the Commission which has been given to Colonel Moody.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

BRITISH
COLUMBIA.
No. 27.

No. 28.

Copy of a DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 29.)

Sir,

Downing Street, October 11, 1858.

With reference to my Despatch No. 4. of the 2nd ultimo, I have to inform you that Mr. Begbie's salary as Judge of British Columbia is fixed at 800*l.* per annum, payable from the Revenues of the Colony.

Governor Douglas,
&c. &c.

I have, &c.
(Signed) E. B. LYTTON.

No. 28.

No. 29.

Copy of a DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(Confidential.)

Sir,

Downing Street, October 14, 1858.

I HAVE to acknowledge your Despatch of the 30th of August, enclosing copies of the regulations issued for the management of the Gold Fields, and a Proclamation establishing Harbour Regulations, &c.

The latter I have transmitted to the Lords of the Committee of Privy Council for Trade, with a view of obtaining their Lordships' opinion; but the former relate to so important a branch of the administrative duties with which you are now charged, that I prefer very briefly calling your attention to some points which have suggested themselves to me, rather than postpone all communication on the subject till the next mail.

I am sensible of the difficulty of criticising in England the details of those regulations which, from an experience of local circumstances and requirements, you have laid down for the guidance of the Gold Commissioners and miners in British Columbia.

I feel also that rules which have been established in the Australian Colonies with good effect may be qualified by conditions in North America, which from a necessarily limited information on the subject I am unable to take into account. I am not, therefore, prepared to give you any definite instructions, or to insist upon any modifications which at first sight might seem desirable.

But whilst, therefore, on these grounds, and from a reliance on your judgment and discretion, I am desirous of giving you full freedom of action, I feel it right to place before you the impressions made upon me by a perusal of your regulations for the gold fields.

No. 29.

BRITISH
COLUMBIA.

On the Instructions to the Assistant Gold Commissioners and to the Police I have no objection to offer. They appear to me in both cases to meet the objects which are to be had in view.

Taking, however, first, into consideration the rules prescribed in the case of alluvial gold, the regulations provide that licences at 21s. per month shall be taken out by each miner, such licences conferring a claim to the following spaces, viz., 25 feet of the bank of the river, 25 feet of each bank of a creek or ravine, or 20 square feet of table land.

Such arrangements may be on the whole most congenial to the dispositions of the American miners whom you may have to consider; but I cannot forget that it was the system of enforcing from time to time the licence fee which created in Victoria so much dissatisfaction, and ultimately led to the Ballarat riots, and to the adoption of new rules. The Victorian system was in the main the same as that which you have apparently adopted. It exacted a licence fee of 1*l.* from each miner per month, and, as Sir Charles Hotham says, in a Despatch of 21st November 1855 to Sir William Molesworth, "The great and primary cause of complaint which I found was undoubtedly the licence fee."

"Every miner was required to produce at a moment's notice the licence which authorized him to dig. No excuse was admissible. Theoretically, nothing could be more just than that the man who profited by the gold should pay a proportion to the Crown for the right of extracting it, but practically nothing could be more unsound." * * * "Even if he were rich enough to pay it, he often could not spare the time to go to the Government Office and obtain his licence. Thus a general antipathy to the licence system was engendered, and men's minds prepared for any measure which might wash away the annoyance." It was then decided that the monthly licence fee should be abolished, and be replaced, independently of royalties, first, by a miner's annual certificate of 1*l.*; secondly, by the payment of 10*l.* per annum on every acre of alluvial soil; and, thirdly, by an indirect tax in the shape of 2s. 6*d.* export duty on the ounce of gold.

Experience seems, as far as we yet know, to have justified this change in Victoria. Discontent, with its attendant dangers, has been removed, and by the present system, which appears to be acquiesced in by all parties, a larger revenue is obtained than ever was the case under the earlier arrangement. I observe, indeed, by the last Victorian returns for 1856, that the duties on the export of gold amounted to more than 376,000*l.*

It is, I doubt not, expedient to maintain a distinction between the search for gold in alluvial soil and its extraction by means of machinery from quartz rocks, and I conclude that the object which you have mainly had in view in your regulations on this branch of the subject has been to attract men of capital to the Colony. At the same time, I would request you to consider again with care the expediency of requiring so large a sum as 2,000*l.* security from any individual entering upon this particular field of speculation.

In Victoria, the royalty is not to exceed one-twentieth of the gross produce, instead of being as high as one tenth, and the payment exacted from the miner (1*l.* per yard) is probably less felt, and more remunerative in the long run, as it is in proportion to the work which he achieves, than would be the introduction of capital to the extent of 2,000*l.*, which it must be further borne in mind is nugatory if subsequently invested in other objects of speculation, and burdensome to the individual giving the security if it is to lie idle.

I do not question the correctness of your decision in assigning three years as the period when such licence must be renewed, though there might be cases where the erection of expensive machinery would require some latitude to be allowed in enforcing the rights of the Crown; but the condition that 20 men shall be simultaneously employed upon the claim is one which, under certain circumstances, might press somewhat hardly upon the miner.

The seizure as Crown property of gold of any kind which has been procured without due authority is a question the propriety of which would be governed by the particular circumstances of the case, and the means possessed by the local functionaries for enforcing the rule.

I observe with satisfaction the foundations laid in these regulations for the creation of local tribunals, the attributions of which will enable them either to dispense a ready and simple justice, or to settle disputes by an arbitration on the spot and accessible to all.

I have, &c.

Governor Douglas,
&c. &c.

(Signed) E. B. LYTTON.

Copy of a DESP

(No. 30.)

SIR,

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No 30.

BRITISH
COLUMBIA.
No. 30.Copy of a DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 30.)

Downing Street, October 16, 1858.

Sir,
I HAVE to acknowledge the receipt of your Despatch No. 34., dated the 19th of August,* containing further reports of the progress of affairs in British Columbia, and urging the importance of your being provided with a military force. The information which this Despatch affords me as to the amount of military aid which you consider would be sufficient to enable you to provide for the maintenance of order amongst the large population which is being so rapidly attracted to the country by the reports of its abundant wealth induces me to recapitulate to you the steps which I have taken to support your authority, and to explain to you the considerations by which I have been influenced in the various measures I have adopted to aid you in the arduous task of organizing the Government of the Colony.

* Page 27.

2. I trust that long ere this date your anxiety with respect to the presence on your coasts of an adequate naval force will have been allayed. Even before the Act which constituted British Columbia into a Colony had received Her Majesty's assent, I had urged upon the First Lord of the Admiralty the necessity of sending a frigate or man-of-war for the preservation of order in that district. In consequence of my representations the Lords of the Admiralty directed that Her Majesty's ships on the Pacific Station should be reinforced, and instructed Admiral Baynes (since the time at which he addressed to you the letter that you have forwarded to me with your present Despatch) that the presence of a force in your waters was to be considered by him as a more pressing and important service than any other on his Station. By the last advices I was informed that Admiral Baynes would himself leave Callao for Vancouver's Island on the 28th of August, in his flag ship the "Ganges." He will, therefore, have arrived at the Island long since; and I confidently rely upon the Admiral, according to his Instructions, providing for all adequate naval support to this important part of Her Majesty's Dominions. Indeed the First Lord of the Admiralty assures me, in reply to a letter I addressed to him, that Admiral Baynes "will be followed as quickly as possible by two frigates from China," adding, "this was the quickest mode of reinforcement we could possibly adopt, and in one case I sent a new captain overland to take the command of a ship in China which had become vacant, and proceed at once to the Pacific." I request that you will report to me what vessels at the time this Despatch is received may be actually in your harbour designed for the special support of the Civil Government; and should you deem a still larger force to be requisite for the purpose, your representation to that effect shall have my immediate attention.

3. With regard to your demand for a military force, it is gratifying to me to learn from your statement that "the affairs of the Government might be carried on smoothly with even a single company of infantry," that I had anticipated and indeed exceeded your requirements, by directions given at the earliest moment for sending to the Colony a party of 150 Royal Engineers. The superior discipline and intelligence of this force, which afford ground for expecting that they will be far less likely than ordinary soldiers of the line to yield to the temptation to desertion offered by the gold fields, and their capacity at once to provide for themselves in a country without habitation, appear to me to render them especially suited for this duty, whilst by their services as pioneers in the work of civilization, in opening up the resources of the country, by the construction of roads and bridges, in laying the foundations of a future city or seaport, and in carrying out the numerous engineering works which in the earlier stages of colonization are so essential to the progress and welfare of the community, they will probably not only be preserved from the idleness which might corrupt the discipline of ordinary soldiers, but establish themselves in the popular goodwill of the emigrants by the civil benefits it will be in the regular nature of their occupation to confer.

4. I regret that this force has been delayed in its departure, notwithstanding the increasing care and pains I have devoted to the hastening of the necessary preparations; but owing to arrangements with the different Departments of Government, the necessity for due care in the selection of the officers and men for the expedition, and the time required for preparing the vessels for sea, a delay unavoidably occurred that must have caused you an anxiety in which I fully sympathized. Instalments, however, of the force, consisting of twenty and twelve men respectively, under Captain Parsons and Captain

BRITISH
COLUMBIA.

Grant, were deputed to the Colony *via* Panama, on the 2nd and 17th of September. With the first of these detachments I forwarded your Commission as Governor, having immediately on the return of the Queen from the Continent obtained Her Majesty's signature, and taken your Commission myself on board the vessel in which the instalment of Engineers under Captain Parsons sailed from Southampton. I am glad to be able now to inform you that the "Thames City" has recently left England, having on board 119 men of the expedition. This vessel will be followed in a few days by the "Briseis," laden with stores, &c. belonging to the party; and a small number of men and some additional stores will be sent in the "Euphrates," which is expected to sail in about a month's time. Colonel Moody, who commands the expedition, will proceed to British Columbia *via* Panama on the 30th instant, to be in readiness to receive the main body of Engineers on their arrival.

5. Having thus reviewed the military assistance which I have afforded to you, it only remains for me to indicate the policy to be observed in its employment, and particularly to explain to you more fully the objections which I pointed out in my recent Despatch, No. 20. of the 16th ultimo,* to the use of this force in the collection of revenue.

* Page 65.

6. The employment of a royal military force for the purpose of compelling the payment of taxation would in itself be undesirable, and fraught with danger, even in ordinary cases and amidst the most docile population. And it seems to me that objections to such an employment are still stronger in the case of an impost like a licence for gold digging, which would become so odious as to necessitate abandonment if it led to disputes between the adventurers and the military, which might terminate in bloodshed and loss of life. A military force should be considered primarily as intended for the purpose of resisting foreign aggression. Its employment in the internal control of the community must be regarded as strictly subsidiary to the ordinary means of enforcing obedience to the orders of the civil power, and should be resorted to only when those means have, through unexpected circumstances, been found insufficient. The Governor of the Colony should on these principles use every endeavour to render the authority of the Civil Government independent of his military force, and thus be in a position to feel the full advantage of the moral support which the military afford to legitimate authority in proportion to the rarity of their interference. On the other hand, nothing is so important to the peace and progress of the Colony as a well-organized and effective Police; and I find that a Police is always feeble in Colonies that have been accustomed in every disturbance to rely upon soldiers. It is by the establishment of this Civil Constabulary, with a sufficient staff of Stipendiary Magistrates, that I would wish the Colonists to co-operate with the Government in the requisite protection to life and property. Hence I have sent to you the most experienced and trustworthy person I could select amongst the Irish Constabulary (a body of men peculiarly distinguished for efficiency), to serve as Inspector of the Police, and to carry out your Instructions for the formation of a civil force of that character.

You will not, however, suppose from the above observations that armed force, where required for its legitimate duties, will fail to the defence and security of this new part of Her Majesty's Dominions. A naval display of the protection that Great Britain affords to the settlers is, no doubt while I write, already in your harbour, and in sending to you a military force more than that which you state as sufficient I have to add, that should the chance of collision with the Indians, or other elements of danger, need in your judgment additional reinforcements, and you can discern the means by which mere soldiers of the line can be kept from desertion and rendered securely serviceable, your wishes will not fail to meet with earnest and ready consideration.

7. Colonel Moody, however, agrees with me in assuming that, in a population of gold diggers, there will be always enough disappointed adventurers in the prime of life who would enlist at need under the British Flag, and that, having secured able officers, recruits could thus be raised on the spot, more rapidly and economically than military aid could be sent to you from England. With this view (on the correctness of which I should be glad of your opinion) I have sent to you, under Colonel Moody, a few practised and skilful men for cavalry and artillery drill, who are intended to form a nucleus and framework in the Colony itself for such additional military force as may be required.

8. It is my object to provide for, or to suggest to you how to meet, all unforeseen exigencies in the Colony as they may arise; but my views are based on the assumption that the common interest in life and property will induce the immigrants to combine amongst themselves for ordinary purposes, and that, when danger needing military force arises, they will readily gather round and swell the force, which will thus expand in proportion as circumstances require. From England we send skill and discipline; the raw

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material (that is the mere men), a Colony intended for free institutions, and on the borders of so powerful a neighbour as the United States of America, should learn betimes of itself to supply.

9. With the scanty information which Her Majesty's Government possess of the nature of the climate of British Columbia in the winter, in the absence of any experience as to the amount of population which may remain during that season at the diggings, they are unable to judge what degree of activity in mining operations may then prevail, what consequently may be the chance during the winter months of armed frays or collisions, and to what extent Revenue and Colonization may be then making progress. But they are led to anticipate that in the winter there must be that pause in immigration and its concomitant difficulties which may allow the preliminary settlement of questions of law and police, and enable you to communicate to them the probable wants and probable resources of the Colony; so that when, at the return of spring, immigration and activity recommence, all suitable preparations may have been made, and the safety and development of the Colony fully and deliberately provided for. It will be very essential, for this purpose, that you should instruct Her Majesty's Government by the best conjecture that you may be able to arrive at, of the probable Revenue on which to calculate; since, in proportion to that Revenue, must be the rapidity with which the Home Government can aid in the growth of the Colony.

10. Referring to the laudable co-operation in the construction of the road which has been evoked by your energy from the good sense and public spirit of the miners, I rejoice to see how fully that instance of the zeal and intelligence to be expected from the voluntary efforts of immigrants, uniting in the furtherance of interests common to them all bears out the principle of policy on which I designed to construct a Colony intended for self-government, and trained to its exercise by self-reliance. The same characteristics which have made these settlers combine so readily in the construction of a road will, I trust, under the same able and cheering influence which you prove that you so well know how to exercise, cause them equally to unite in the formation of a Police, in the establishment of law, in the collection of Revenue, in short, in all which may make individual life secure and the community prosperous. I trust you will assure the hardy and spirited men who have assisted in this preliminary undertaking how much their conduct is appreciated by Her Majesty's Government.

11. I feel thankful for the valuable services so seasonably and efficiently rendered by the "Satellite" and "Plumper."

12. I cannot conclude without a cordial expression of my sympathy in the difficulties you have encountered, and of my sense of the ability, the readiness of resource, the wise and manly temper of conciliation, which you have so signally displayed; and I doubt not that you will continue to show the same vigour, and the same discretion in its exercise; and you may rely with confidence on whatever support and aid Her Majesty's Government can afford to you.

I have, &c.

(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 31.

No. 31.

COPY OF DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor DOUGLAS.

Downing Street, October 16, 1858.

Sir,

Though I think that you must be in complete possession of my views in respect to the employment of the Royal Engineers, who have been despatched to British Columbia, I desire, nevertheless, and for fear of any possible misunderstanding on your part, to mention that to Colonel Moody and his men do I look for the performance of all the surveying duties in the Colony, and therefore to caution you against accepting the services of other Surveyors or assistants, whose employment would add so much to the heavy expenses which the Colony at its outset is called upon to defray.

I have, &c.

(Signed) E. B. LYTTON.

Governor Douglas,
&c. &c.

No. 33.

COPY of DESPATCH from the Right Hon. Sir E. B. LYTTON, Bart., to Governor
DOUGLAS.

(No. 35.)

Downing Street, November 1, 1858.

SIR, With reference to my Despatch, No. 22, of the 23rd September*, I transmit herewith, for your information, a copy of the Instructions which I have addressed to Colonel Moody on the eve of his departure to assume his duties in British Columbia.

I have, &c.

Governor Douglas,
&c. &c.

(Signed) E. B. LYTTON.

BRITISH
COLUMBIA.
No. 33.

* Page 66.
Enclosure.

Enclosure in No. 33.

Enclosure in
No. 33.

SIR, Downing Street, October 29, 1858.

1. I think it will be for your satisfaction if I endeavour to reduce to writing, by way of General Instructions, the outlines of that policy for the new Colony of British Columbia which your services, I trust, will assist to develop.

My views as to the uses of a purely military force, in the commencement of a Colony like the present, I am happy to believe are in accordance with your own.

2. I would, at the earliest period, impress upon the Colonists the distinction between disorders arising from internal riot or disturbance, and the dangers that may threaten from foreign aggression.

3. In the first, it is not only the duty, it should be the pride, of a youthful and vigorous community to find means of defence within itself. The consciousness that it is compelled to do so engenders a brave and resolute spirit amongst the immigrants, and serves to bind man to man against turbulence and crime, by the sense of the common safety. I will even add, that where a society finds its best safeguard in the habitual reverence for law, and cannot, in every emergency, appeal to the armed force of the Parent State, a high moral tone of sentiment and opinion becomes silently formed, and even lawless and vehement natures are brought into the calm social compact by which the public interests would the national character into respect for the laws that preserve hearths and property, and for the qualities that command others without the resort to force.

4. Nothing can be more likely to sap the manhood and virtue of any young community than the error of confounding the duties of soldiers with the ordinary functions of a police. Nevertheless, though soldiers do not constitute a police, there are few societies in which the authority of the civil power is not more respectfully obeyed where it is understood that against disorderly force there is always in reserve the unflinching aid of military discipline.

5. In a Colony like British Columbia, in which it is reasonable to assume that the first immigrants will be men too accustomed to danger to be daunted by the menace of force, but too eager for gold not to respect the means by which gold, when obtained, is secured to its owner, soldiers will be popular in proportion as the strength which they afford to law is tacitly felt rather than obtrusively paraded.

6. No soldiers are likely to be so popular as Royal Engineers; partly, let me hope, from their own military discipline and good conduct; partly from the very respectable class which they represent; partly from the civil nature of their duties in clearing the ready way for civilization. Thus, if not ostentatiously setting forth its purely military character, the force at your command will nevertheless, whenever occasion may need its demonstration, do its duty as soldiers no less than as surveyors. And I need not add that, should the Governor require your assistance in your military capacity, you will render it as freely as if no civil services were attached to your mission. But while the Colonists should be taught the necessity of providing against internal disturbance,—while they should learn to rally round the law, and create themselves the machinery for giving that law its ordinary effect,—on the other hand, they must not be left to suppose that against external aggression Great Britain would not render them the aid due to the dignity of her Crown, and the safety of her subjects in every part of Her Majesty's Dominions;—for wherever England extends her sceptre, there, as against the foreign enemy, she pledges the defence of her sword.

7. It will also be borne in mind that in a Settlement which is surrounded by savage tribes, while sound policy will dictate every effort to conciliate the goodwill and confidence of such uncivilized neighbours, and while humanity will shrink from the application of armed force against the aborigines wherever it can be avoided, yet some military

BRITISH
COLUMBIA.

strength and disciplined organization are essential preservatives to the settlers; and indeed a resort, when needed, to soldiers, well commended, will be attended with far less loss of life, with actions far less sanguinary, than where the white man is left to defend himself against the red, without that decided superiority which is conferred by military skill over savage force. In such conflicts the want of discipline is the want of mercy.

8. You will hasten to inform yourself of the true social circumstances of the community thus neighboured by Indian tribes, and containing in itself adventurers of all nations, and will faithfully report to me your impressions as to the expediency of a greater or a different kind of military force sent from this country than that under your command, and the probability of keeping such a force free from desertion, and steadfast in discipline.

9. At present it is my belief, as I understand it to be your own, that additional military force as against Indian aggression, or for the preservation of order, could be most economically and effectively raised on the place itself and amongst the immigrant population, whether as volunteers or militia under British officers, for a limited period or in anticipation of any sudden danger. But I must submit the accuracy of that belief to your military and Colonial experience on the spot, in connexion with the advice of the Governor.

10. It seems, meanwhile, a good augury of the co-operation of the Colonists in all measures demanding public spirit, that miners themselves are constructing a road, of which seven miles are completed,—that they organized themselves into bands under leaders,—thus recognizing discipline as the element of success in all combined undertakings. Each miner thus employed deposited with the Governor 25 dollars as security for good conduct. I need not add, that a Governor who could thus at once inspire confidence and animate exertion must have many high qualities which will ensure your esteem, and add to the satisfaction with which you will co-operate with his efforts.

On this subject I am bound, in justice to both parties, to guard against any risk of misapprehension as to your respective duties and powers. Whilst I feel assured that the Governor will receive with all attention the counsel or suggestions which your military and scientific experience so well fit you to offer, I would be distinctly understood when I say that he is, not merely in a civil point of view, the first magistrate in the State, but that I feel it to be essential for the public interests that all powers and responsibilities should centre in him exclusively. Nothing could be more prejudicial to the prosperity of the Colony than a conflict between the principal officers of Government.

11. In reference to the Civil Department of your duties, your first object will be to commence the operations necessary for the land sales, by which the expenses of survey are to be defrayed. You will consult with the Governor as to the choice of sites for a maritime town, probably at the mouth of Fraser's River, and for any more inland Capital to which the circumstances of the territory will suggest the most appropriate site.

12. You will not fail to regard with a military eye the best position for such towns and cities, as well as for the engineering of roads and passes, or the laying the foundations of any public works.

Experience on the spot will best guide you as to the most economical distribution of the work by the force under your command. All that belongs to comprehensive survey and public works must belong to the labour of the Royal Engineers. But the ordinary fillings in of allotments for sale had better, perhaps, be executed by contract, and in order to prevent additional burthen on Colonial revenues, it would be well that the cost of survey in allotments be added to the price of them, and each individual thus purchase his land surveyed and cleared.

13. I need scarcely add, that it will be among your first cares to smooth the difficulties of communication by land and water. If you can at slight cost render the Fraser River navigable to a further extent than it is at present, you will direct your science to that object.

14. *Cæteris paribus*, it probably would be better to keep Vancouver and British Columbia under separate Governments; but geography and circumstance are imperious dictators, and control the theories by which, at a distance, we would map out commo-dities and restrict territorial divisions; and therefore I would have you thoughtfully consider both the safest and readiest modes of access to British Columbia from the Pacific, and the several relations between British Columbia and Vancouver's Island indicated by nature and probability.

15. You will further report upon any harbours which exist on any part of our coasts, or any natural facilities which exist for their construction.

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25. It must be duties, &c. regul

16. You will remember that gold is not the only mineral in which British Columbia is said to be rich. You will examine and report to Her Majesty's Government upon all its other mineral productions.

17. You will ascertain the real value of the coal for all purposes of steam communication, both in British Columbia and Vancouver; not only its quality, but the easy working of its mines; whether the coal lies deep or near the surface; whether mining operations are likely to be impeded by much water, bearing in mind that in coal, as in all else, the product is to be estimated by the degree and cost of labour which the supply may necessitate.

18. In this, as in all the mineral products of those Districts, I entreat you to form the most dispassionate and careful judgment, and rather to own ignorance or doubt than ever to allow yourself to be misled by reliance on untested statements. The more ordinary resources of the Colony, in fisheries, in timber, in the various soils, and the extent of them, favourable to agricultural produce, will command your attention, and contribute materials to your reports.

19. With the United States of America so close on the frontiers of the Colony, and their citizens mingled amongst the immigrants; with the Indian tribes, not as yet unfriendly, nor indocile when kindly treated, but thievish by habit, and maddened by the least indulgence in ardent spirits; with a population of settlers in itself so varied and shifting in its character, I need not point out to you the grave necessity of impressing on your officers and men the duties of self-restraint, of forbearance, good temper, and the discretion which avoids provocation and offence.

I would commend to you emphatically the noble art of conciliating varieties of human kind, with the essential concomitants of dignity, sincerity, and firmness. This art, which is amongst the rarest and happiest attributes of statesmen in old societies, is comparatively easy, because more vitally necessary, to those who are called upon to aid in reducing to harmony and order the manifold elements of a new community.

20. I would especially have you use your influence with the men to abstain from drink in a country where intoxication is not unlikely to be a common vice, and by soldierly bearing and respectability of conduct to maintain the high character of that part of the English Army from which they are drawn.

21. You will come in contact with Germans, Frenchmen, Americans; with many who may, perhaps, have prejudices against English institutions and the English character. Most of these prejudices will vanish when they who entertain them are brought into familiar acquaintance with that union of energy and prudence, of the devotion to duty, which Englishmen so quietly blend with the attachment to freedom; and the spirit of loyalty, truth, and upright dealing, which signalize the brighter, and, I believe, the larger, portion of our national character and race. But if those qualities be common to all classes of our countrymen, at least they become more manifest and attractive when set forth with that courtesy, high breeding, and urbane knowledge of the world which dignify the English gentleman and the British officer; and I anticipate no small advantage towards stamping our native idiosyncracies on a Colony which may comprise so many foreigners, and promoting a high social standard of civilization, from the fact that yourself and your brother officers are amongst its practical founders, and cannot fail by the nature of the civil services you render to be brought into frequent and friendly communication with all classes of settlers.

22. I trust that you will work in perfect harmony with the Governor; and that his experience of the localities and of the character of the native population, with your own professional science, will combine to expedite the progress and develop the resources of the Colony.

23. You will not forget the caution I have so strenuously impressed on you in our conversations, viz., that it is a duty we owe to the Colony itself to hazard no large outlays and incur no unnecessary expenses until an adequate Revenue be raised and secured.

24. At the very sound of a Gold Mine avarice and extravagance awake together, and to all the suggestions of rational prudence there is the vulgar outcry, "the gold pays for all." Now as the mother country expects all Colonies not conquered nor founded for purely Imperial purposes to be self-supporting, and as in this Colony she has more than ordinary reason in its mineral resources to do so, nothing could be more unjust to the infant settlement, more retard its prosperity, or lay seeds of more fertile discontent, than to saddle it prospectively with any financial burthens, not needed for safety and healthful development, while its Revenues yet remain a matter of speculation.

25. It must be some time yet before immigrants will be permanently settled, Customs' duties, &c. regularly established, and land allotments sold to any considerable extent;

BRITISH
COLUMBIA.

and the cost of survey itself in the Colonial pay of the Royal Engineers, &c. is the heaviest and almost the earliest item to which the resources of the Colony should be devoted. All augmentations of the expense thus calculated should be sedulously avoided.

26. I have already explained to you personally (as I have informed the Governor), that it is my desire to see established in British Columbia as early as the state of society will permit free Representative Institutions; but premature or precipitate action in such a case only weakens the object we have in view; and if the fabric is to be lasting the foundations of self-government should be laid with care. All regulations affecting an electoral franchise should be framed so as to suit the special community on which they are brought to bear. I should feel obliged by reports, as the result of your own unbiased opinions, as to the nature, habits, and conditions of the immigrant population; the degree to which education exists; the probabilities of settled residents, and cultivators of the soil, as distinct from casual adventurers, or the inhabitants of a seaport town; with such remarks, confidentially given, as may guide the judgment of Her Majesty's Government in the frame-work of a constitution which will secure tranquillity and order as the only genuine safeguards of popular freedom. These reports, with any other you may remit to me, will be sent, of course, through the Governor.

I have, &c.

Colonel Moody, R.E.
&c. &c.

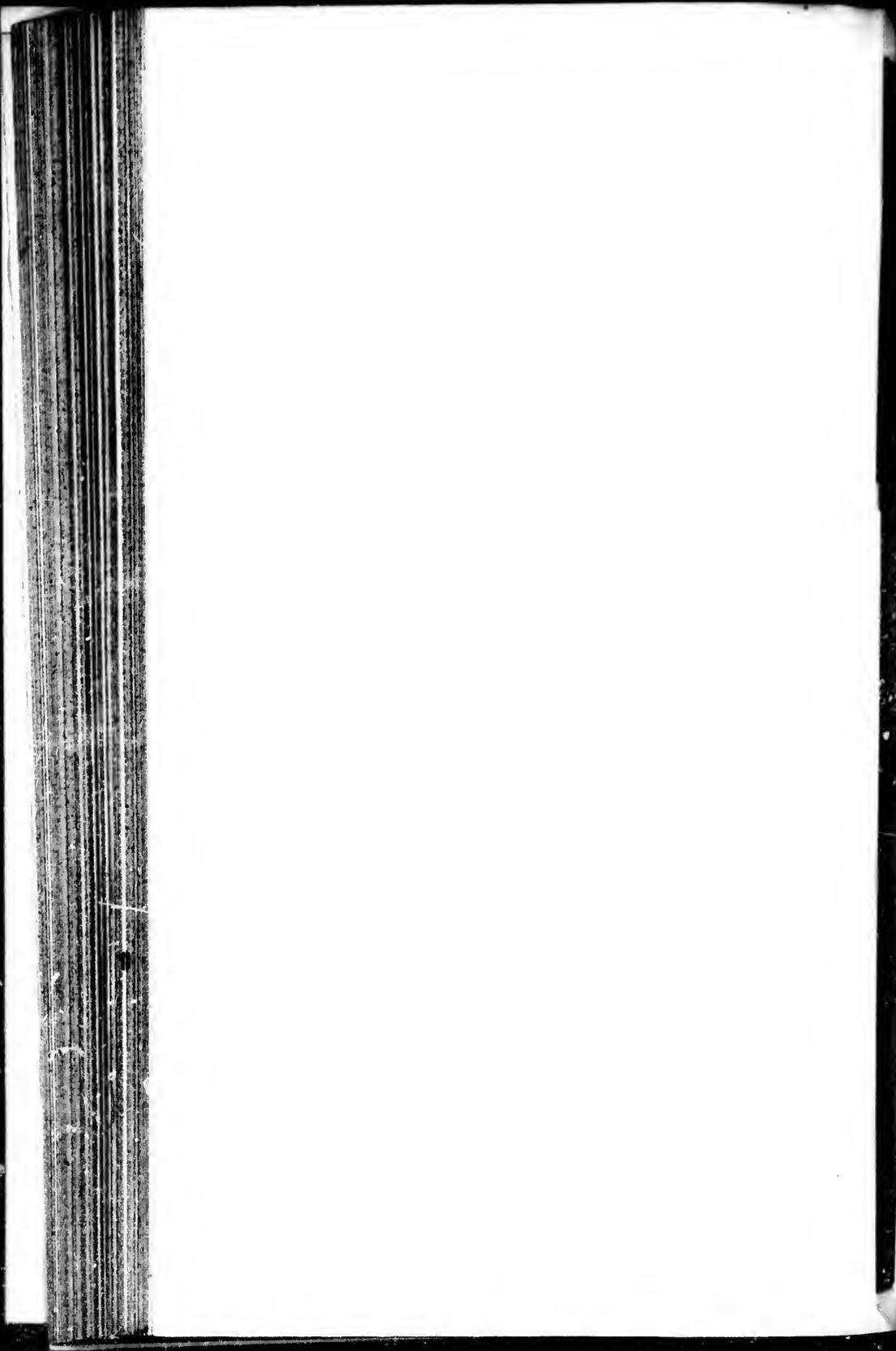
(Signed) E. B. LYTTON.

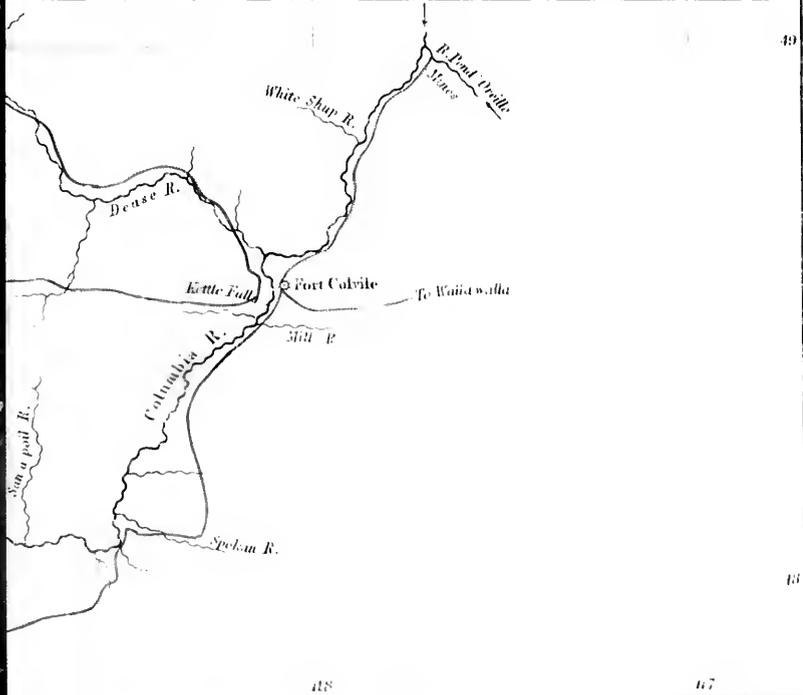
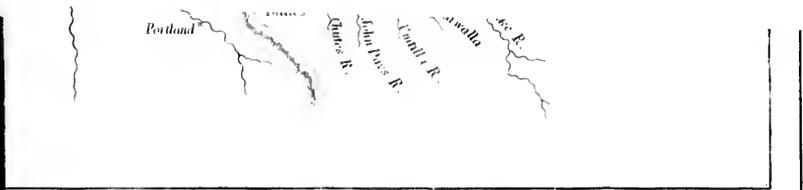
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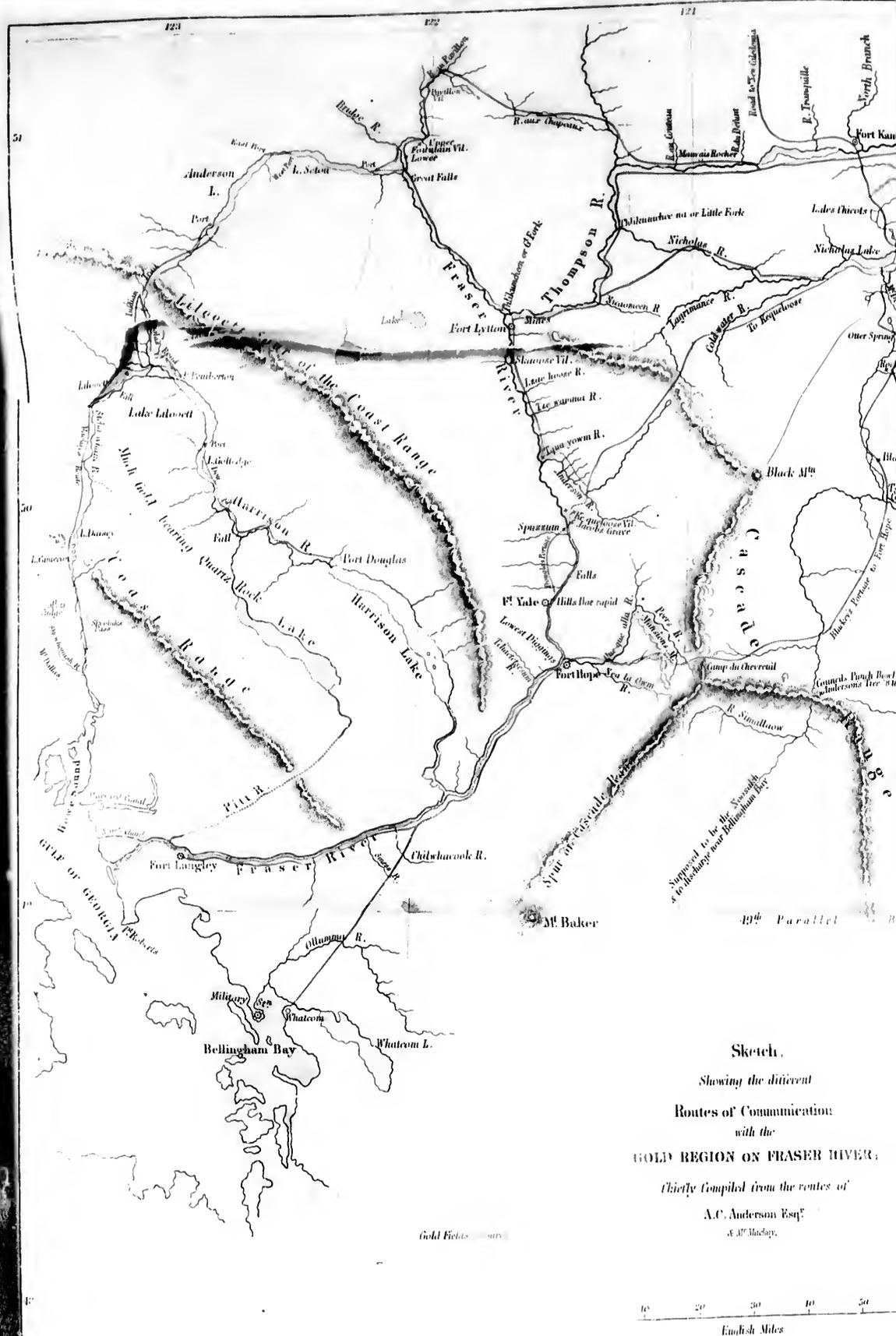
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APPENDIX.







Sketch,
 Showing the different
 Routes of Communication
 with the
GOLD REGION ON FRASER RIVER,
 Chiefly Compiled from the routes of
 A.C. Anderson Esq.
 & M. Mackay.

Fort Langley
L. 100

HAND BOOK to
By ALEX.

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APPENDIX No. 2.

BRITISH
COLUMBIA.Appendix
No. 2.

HAND BOOK to the Gold Regions of Fraser's and Thompson's Rivers, with TABLE OF DISTANCES,
By ALEXANDER C. ANDERSON, late Chief Trader, Hudson's Bay Company's Service.

NOTES in reference to the Routes of Communication with the Gold Region on Fraser's River,
explanatory of the accompanying Map.

Fraser's River discharges itself into the Gulf of Georgia a little to the north of the 49th parallel. The head waters of its principal branch interlock with those of the Columbia and the Athabasca. At the distance of 160 miles from its mouth it is joined by Thompson's River, a large stream flowing from the eastward. As indicated in the Map, the Cascade range of mountains, which may be viewed as a continuation of the Sierra Nevada, ceases at this point. Here, and in its immediate vicinity, the diggings which are now creating so much excitement have been in progress since last summer, though their reliability, now apparently so well authenticated, was not ascertained till more lately.

There are two distinct lines of approach to these mines: one by the direct route through Fraser's River; the other by way of the Columbia River, by Portland and the Dalles, and thence with pack animals through the trails used until recently by the Hudson's Bay Company for their communications, and for the transport of supplies for the interior.

These routes will be separately considered.

Route viâ Fort Langley.

Fort Langley, the lowest post of the Hudson's Bay Company on Fraser's River, is situated on the left bank, about 25 miles from the entrance. Thus far the stream is navigable for vessels of considerable burthen, the precaution of sounding or buoying the sand-heads at the entrance being first adopted, in the absence of a qualified pilot. The ascent, however, short as the distance is, is rather tedious for a sailing vessel, as the river is land-locked, and the winds consequently irregular and baffling.

Fort Hope is a small post situated near the mouth of the Que-que-alla River, which falls in 69 miles above Langley. Thence to the foot of the "Falls" is 12 miles further. From that point to Thompson's River Forks is a distance of 54 to 55 miles by the travelled route.

It is questionable how far above Langley a vessel of any considerable draught could readily be taken: but from that post to Fort Hope there seems to be no room to doubt that an efficient steamer of light draught could be advantageously navigated, and, indeed, for some miles higher up. Above the Falls, however, the obstacles to steam navigation, and especially at the higher stages of the water, I judge to be very serious.

Hiberto, bateaux of about three tons burthen have been employed by the Hudson's Bay Company for transport below the Falls; a slow method when the water is high, as the ascent can then be effected only by warping along shore, with the aid of Indian canoes to pass the lines. By this tedious process, an ascent was made during the freshet of 1848, to the foot of the Falls, in eight days: under ordinary circumstances, it would occupy five.

There is a trail (indicated in the sketch as "Douglas Portage") from the upper Teet Village, below the Falls, to Spuz-zum, above the Falls, the lowest village of the Saw-mee-nas, or Contoux. It is much longer, but not so rough as the passage of the river bank, which is for some distance extremely broken. Both these portages are on the right bank.

The series of rapids called the "Falls" is about three miles in length. There is no such abrupt descent as the name implies. At low water these rapids may be ascended with light craft, by making portages; but at the higher stages of the water they present a difficulty almost insurmountable. During the summer season the rocky shores of the "Falls" are thronged by Indians from the lower country, who resort thither for the salmon fishery. A ceaseless feud, I may here mention, prevails between the Contoux and the lower Indians, who differ from each other widely in many respects.

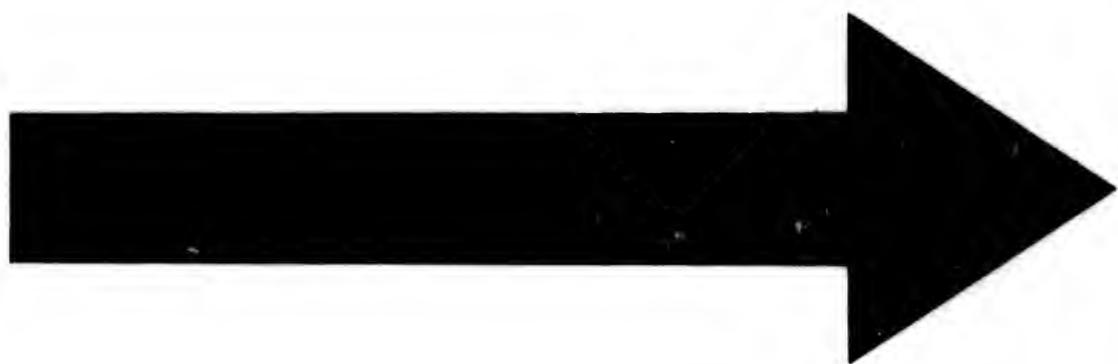
At Spuz-zum, six miles above the Falls, the river is crossed to the left bank, where is the terminus of a horse trail, opened in 1847 and 1848, across the mountains from the Similk-meen country, but abandoned afterwards as ineligible, chiefly on account of the difficulties of the Falls.

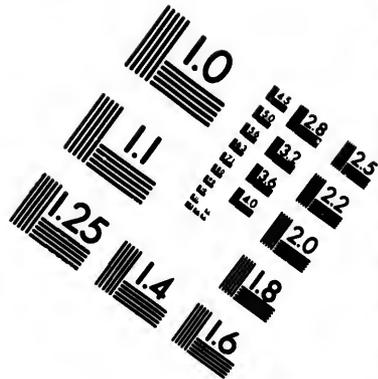
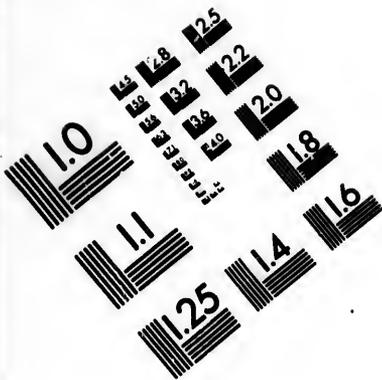
This trail follows the river to Ke-que-loose, six miles further. At this point is the grave of a servant of the Hudson's Bay Company, who, in 1848, was found shot near the encampment, under circumstances which justified the belief that he died by his own voluntary act. A large cedar statue, of Indian workmanship, and a small enclosure, mark the spot. The banks of the river immediately above this are very rugged; consequently the trail ascends the height (some two thousand feet or more), crosses it, and descends upon Anderson's River, at the Forks of which two bridges were formerly in existence.

The Similk-meen trail continues inland hence; that leading to the Forks of Thomson's River (indicated by a trail-line in the sketch) diverges, and after a few miles travel again strikes Fraser's River, at Equi-yowm, a populous village, six miles above Ke-que-loose, and situated at the mouth of Anderson's River.

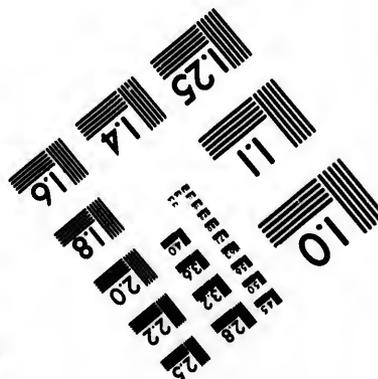
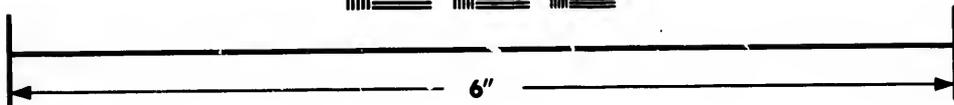
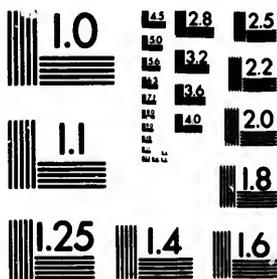
Thence to the Forks of Thompson's River, where the miners were last at work, is estimated at thirty-three and a half miles, through a hilly road, in places very stony, and impassable for loaded horses without a large amount of labour in its improvement. Several streams fall in between Equi-yowm and the Forks, one of which during the freshets has to be ferried over with canoes. From Equi-yowm upwards a marked change in the character of the scenery takes place; though rugged, it

* In this, and all other instances where the like distinctions may be employed, it is with reference to the descending stream.





**IMAGE EVALUATION
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BRITISH
COLUMBIA.

is less densely timbered than the lower country, and shows every evidence of a drier climate. The vicinity of T. a. yowm itself is rather picturesque; but, what is of more importance, it enjoys a prolific salmon fishery during the season.

From the Forks of Thompson's River, horse roads extend in both directions up Fraser's River, and along Thompson's River, as indicated in the map.

I will now proceed to point out some of the difficulties which embarrass this route, and which, until some better system be organized than at present exists, are deserving certainly of serious consideration.

Assuming the miner to have reached the foot of the Falls by bateau or other conveyance, (and let me here remark that there is no practicable way of reaching this point from Fort Langley except by water), the more formidable impediments to his progress are still in advance. Horses are not procurable here; nor, if procurable, is the country suited for their subsistence. The navigation of the Falls at high water cannot be accomplished; nor, indeed, is the upper portion of the river to be navigated without difficulty at that stage. At the lower stage, these difficulties are so far modified that they may be overcome by portages; but it is to be premised that a certain amount of skill and experience in canoe navigation, which every one is not supposed to possess, is a necessary condition of the undertaking. The alternative is to proceed on foot; but my previous notes will have shown that the trail is a rough one, full of painful inequalities. It would, therefore, be impracticable to convey in this way more than a very limited amount of provisions, to say nothing of tools and other necessaries for mining operations.

From Fort Hope there is a horse trail across the mountains; but no horses are to be procured there, as indeed not any are kept. All these animals, when required for transport, are brought from across the mountain range, and return forthwith. Moreover, the Fort Hope trail does not strike the mining region, but unites with the trail from the Columbia valley, to be presently considered. I subjoin a *resumé* of the distances by the direct trail:

Mouth of Fraser's River to Fort Langley	- - - - -	Miles.	25
To Que-que-alla River	- - - - -	69	
To Falls	- - - - -	12	
		81	
Falls Rapids	- - - - -	3	
To Spuz-zum	- - - - -	6	
To Ke-que-loose	- - - - -	6	
To Tquá-yowm	- - - - -	6	
To Forks of Thompson's River	- - - - -	33½	
		54½	
Total	- - - - -	160½	

MEMORANDUM OF DISTANCES BY THE FORT HOPE ROUTE.

Fort Hope to the top of Manson's Mountain	- - - - -	Miles.	12
Across the valley to Campement du Chevreuil (summit of the Cascade range)	- - - - -	10	
To lake near height of land in Blackeye's Portage	- - - - -	25	
To Tseistn, or Campement des Femmes	- - - - -	20	
To Rocher de la Biche	- - - - -	20	
Total, to the junction with Dalles Trail	- - - - -	87	
From Rocher de la Biche to Forks of Thomson's River	- - - - -	85	
Total, Fort Hope to Forks, Thompson's River	- - - - -	172	
Mouth of Fraser's River to Fort Hope	- - - - -	84	
Distance viâ Fort Hope—Total	- - - - -	256	

N.B.—The above distances, as far as Rocher de la Biche, are noted according to the encampments it is necessary to make in order to secure scanty pasturage in the mountain for pack animals.

Route viâ Columbia River and the Dalles.

Every facility of steam navigation exists between Portland and the Dalles. The transit between these two points is performed in part of two days, the intervening night being passed at the Cascades, where travellers are well accommodated. An attempt is being made to extend steamboat navigation as far as the Priest's Rapids, sixty miles above Walla-Walla, and one hundred and ninety from the Dalles; but the success of this project is thus far undecided.

With horses there are two routes to the Priest's Rapids: one crossing the Columbia River at the Dalles, passing over the dividing ridge to the Yackama Valley, and continuing across until the Columbia is again struck at the point in question, where the Columbia is recrossed to its left bank (N.B.—This trail in crossing the Yackama Valley joins the trail which parties from Puget's Sound, crossing by the Naches Pass, would necessarily follow. The necessity of crossing to the left bank at the Priest's Rapids arises from the impracticable nature of the country on the right side, between that point and Okingagan.)

The other route crossing the Snake River at the Priest's Rapids. (N.B.—These routes are shorter; but the first described is better by it; but the second, being higher, is a troublesome one.)

For this route the trail is passable at all seasons.

There is good pasture on the river, and enter of much species of game. The ravine is very fertile, and the intervals are very fertile. After a few miles beyond the camp at the mouth of the river, another regular trail where it would be Coulee after leaving in this portion of the trail.

Striking off from the trail a few miles above the mouth of the river (the horse trail as shown in the map) is crossed just above the falls. The trail can be forded at the Concurrence of the river with a little trouble.

From the Falls the trail it breaks into the river and along the river sketched, and across a small lake, and thence, the trail crosses the Similk-n-meen and the trail across some stoney plain.

At the Red River watered by the mouth of Fraser's River before reaching the lower outlet below the outlet, when it is point is cut, several of this cut off in the lower crossing.

Nicá-o-meen is sixty miles to the Fort Hope.

I now append a map. I also add a map of the route.

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The other route is by following the left bank of the Columbia from the Dalles to Walla-Walla, crossing the Snake River at its mouth, and thence continuing along the Columbia to the Priest's Rapids. (N.B.—There are several modifications of the latter portion of this route, some of which are shorter; but I instance this for simplicity.)

The first described route is much the shorter, as the great bend of the Columbia River is cut off by it; but the double crossing of the Columbia is a serious obstacle; and the Yackama River, when high, is a troublesome impediment.

For this reason I should prefer the longer route by Walla-Walla, and the more so as it is passable at all seasons, which the other is not, owing to snow in the mountain.

There is good grass by both routes.

From the Priest's Rapids the Indian trail is followed up some 25 miles, when it strikes off the river, and enters the *Grande Coulée*, an extraordinary ravine, the origin of which has been a matter of much speculation. A portion of it is approximately sketched on the map. The bottom of this ravine is very smooth, and affords excellent travelling; good encampments are found at regular intervals. After following it for about 60 miles, the trail strikes off for the Columbia, at a point a few miles beyond a small lake, called by the *voyageurs* *Le Lac a l'Eau Bleue*. (N.B.—It is necessary to encamp at this lake. There is a small stream 25 miles or so before reaching the lake, which is another regular encampment; and again another streamlet about 30 miles short of that last mentioned, where it would likewise be necessary to encamp. This would be the first encampment in the *Grande Coulée* after leaving the Columbia. I cannot recall any encamping grounds, other than these three, in this portion of the road.)

Striking off from the point mentioned in a direction about N.N.W., the trail reaches the Columbia a few miles above Fort Okinagan, which post is called 25 miles from the *Grande Coulée*. Ferrying at the fort (the horses being swum), the trail ascends the Okinagan River, cutting points here and there, as shown in the sketch. At about 60 miles from the post is the *Similk-a-meen* Fork. The Okinagan is crossed just above the junction. This crossing is narrow, and at the ordinary stage of the water can be forded with ease; at a higher stage, a canoe is hired. There is usually a pretty large concourse of Indians at this point during the salmon season. It is good policy to supply the chief with a little tobacco, to smoke with his followers. Goodwill is thus cheaply secured.

From the Forks the trail ascends the *Similk-a-meen*; but as the lower part of that river, where it breaks into the Okinagan Valley, is very rugged, it is advisable to ascend the Okinagan some miles, and along the lakes, by the main road towards Kamloops. A trail then branches off, as by the sketch, and ascends the hills towards the *Similk-a-meen*. After proceeding some distance, there is a small lake, affording a good encampment (called in the map "Crow Encampment"). Continuing thence, the trail falls on the *Similk-a-meen* above the obstacles referred to. The valley of the *Similk-a-meen* abounds in good pasture. Except during the freshets, the stream is readily fordable; and the trail accordingly is made to cross it frequently at such seasons, whereby several hills and some stoney places are avoided. During the freshets the left bank is followed without interruption.

At the Red Earth Fork the *Similk-a-meen* is left. The trail, following up a branch of this valley watered by the Red Earth stream, &c. crosses the height of land which divides the watershed of Fraser's River from that of the Columbia, and descends towards Nicholas Lake. A few miles before reaching the lake there is a cut off, indicated in the sketch, which strikes Nicholas River below the outlet of the lake. This river is crossed to its right bank, and followed about thirty-five miles, when it is recrossed (by fording in both cases at the ordinary stage of the water); and the point is cut, seventeen miles to *Nicâ-o-meen* on Thompson's River. (N.B.—Besides the advantage of this cut off in point of shortness, the right bank of the stream is very steep and broken between the lower crossing and the junction of the stream with Thompson's River at *Thlik-um-chee-nâ*.)

Nicâ-o-meen is the commencement of the mining region, as so far declared. Thence it is thirteen miles to the Forks of Thompson's River.

I now append an estimate of the distances by this route, which will be found, I trust, reliable; and I also add a memorandum of the encampments which a party with pack animals might expect to make.

ESTIMATE OF DISTANCES.

	Miles.
From the Dalles across the Yackama Valley to the crossing place above Priest's Rapids	125

Five days' march with packs.

By Walla-Walla.

Dalles to Walla-Walla	130
To crossing place above Priest's Rapids	60
	— 190

Eight days' march with packs.

From the Priest's Rapids crossing to the <i>Grande Coulée</i>	25
Along the <i>Grande Coulée</i>	60
To Okinagan	25
	— 116

BRITISH
COLUMBIA.

	Miles.
From Okinagan to Forks of Similk-a-meen	60
To Red Earth Fork	90
To cut-off near Nicholas Lake	55
To lower crossing, Nicholas River	35
Across to Nicl-o-meen	17
To Forks of Thompson's River	13
	270
Total distance from the Priest's Rapid crossing place to Thompson's River forks	380

Distance from the Dalles by the several Routes.

Yackamá route	125 x 380 = 405
Walla-Walla	190 x 380 = 570

Estimate of March from the Priest's Rapids Crossing to the Forks of Thompson's River.

- 1st—Encampment on the Columbia, near where the trail leaves the river.
- 2nd—On first rivulet in Grande Coulée
- 3rd—On second rivulet in do.
- 4th—At the small lake in do.
- 6th—At Okinagan.
- 7th—Rivière à la Grise, or Rnt Lake.
- 8th—Upper Bonaparte's River.
- 9th—Forks of Similk-a-meen.
- 10th—Crow Encampment.
- 11th, 12th, and 13th—Along the Similk-a-meen.
- 14th—At or beyond Red Earth Fork.
- 15th—Near Rocher de la Biche.
- 16th—Cut off near Nicholas Lake.
- 17th—Upon Nicholas River.
- 18th—Nická-o-meen.
- 19th—Forks of Thompson's River.

Or, 27 days from the Dalles, via Walla-Walla.

It may be noted here that, throughout the distance, there are no obstacles to an easy march beyond those that I have endeavoured to note. Pasture and water are plentiful, and fuel, for the greater part of the distance, likewise abounds. Along the Columbia, the country is bare of timber; elsewhere the valleys are clear, the hills sparsely timbered with the Colville red pine (*pinus ponderosa*). There are numerous tracts of very fertile soil.

As already mentioned, there are two trails across the Cascade range for the neighbourhood of the Similk-a-meen country; one striking to Ke-que-loose and Spuz-zum, above the Falls; the other at Fort Hope, below the Falls. The former was abandoned in 1849, chiefly on account of the difficulties of the Falls. As it approaches Fraser's River, too, it is extremely rugged. The Fort Hope route is used by the Hudson's Bay Company for the transport between Fraser's River and the several inland districts. The route over the mountains is short, but rugged, and pasture is scarce. It is of course impassable with horses, except after the melting of the snows late in June, and until about the middle of October. Both these routes, as will be seen by the sketch, unite with the Dalles trail at different points.

MEMORANDA AND NOTES

On several Subjects connected with the Mining Region.

The gold found in the Couteau country has so far been procured chiefly from dry diggings. It is "coarse" gold, and its quality stands high in the market. Considerable quantities are reported to have been dug by the natives, who, so far, appear to have been the chief miners.

The Nicoutameens* or Couteaux are numerous. They and other branches of the great She-whap-much tribe inhabit the banks of Fraser's River, from a little above the Falls to the frontier of New Caledonia. Their extreme poverty formerly made them roguish, and their reputation was bad; but my own experience of their character was nowise unfavourable. These Indians subsist chiefly on salmon and various kinds of roots and berries. Their salmon they cure by splitting and drying, either in the smoke or sun.

The Indians between Fort Langloy and the Falls, known as Hait-lins, Pal-lalks, Teets, &c. according to the villages which they inhabit, differ widely from the Couteaux both in habits and language. They are ingenious and thrifty, and having said this, it is about all I can say in their

* *Couteaux*, or *Knives*, is merely a corruption by the Canadian *voyageurs* of the native name. The Lower Indians call them *Saw-mee-no*; they, in turn, call the Lower Indians *Sá-chi-no*; neither party recognising the foreign name.

favour. They remain so.

As before mentioned, treacherous men.

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favour. They are, however, not indisposed towards whites, and, considerably treated, will doubtless remain so.

As before mentioned, the upper and lower Indians have a standing feud, which is kept alive by a treacherous murder every now and then, as occasion presents.

The miner visiting these regions will find no native resources beyond what the river supplies. Land animals are scarce, and withal so much hunted as to be extremely shy. Salmon can usually be bought very cheaply; but as there is no salt save what may be imported, there is no way of curing the fish but by the Indian method. At Ska-oose, below the Forks, is a good sturgeon fishery; and elsewhere in the eddies these fish may be caught. A strong line with some large cod hooks might be a useful addition to the miner's equipment. Set lines are an efficient way of catching these fish, the bait a small fish, or what is better, when procurable, a lamprey-eel. There are trout in the streams; and on the Dalles communication grouse of various kinds, sage hens, and other fowl are generally abundant.

In ascending Fraser's River mosquitoes are very numerous during the summer season, and as the sea-breeze is rarely felt, the air is extremely sultry. Near the Tchac-tae-aum River, below Fort Hope, the mosquitoes suddenly cease, and thence upwards the river is free of these troublesome pests.

The regular freshets begin at the latter end of April, and last during May and June. About the 15th of June may be regarded as the culminating point; and by the middle of July the waters are generally greatly subsided. There is rarely a freshet of much consequence at any other season, but this sometimes happens, and I have known a sudden freshet from heavy rains in October raise the river beyond the summer limit.

Snow begins to fall in the mountains early in October. In July there is still snow for a short distance on the summit of the Fort Hope trail, but not to impede the passage of horses. From the middle of October, however, to the middle of June, this track is not to be depended upon for transport with pack animals.

The summer climate about the Forks is dry, and the heat is great. During winter the thermometer indicates occasionally from 20° to 30° of cold below zero of Fahrenheit; but such severe cold seldom lasts on the upper parts of Fraser's River for more than three days; the thermometer will then continue to fluctuate between zero and the freezing point, until possibly another interval of cold arrives.

But the winters are extremely capricious throughout these regions, and no two resemble each other very closely. In general the snow does not fall deep enough along the banks of the main streams to preclude winter travelling with pack animals. The quality of the pasture is such (a kind of bunch grass in most places) that animals feed well at all seasons. There are many spots between the Similk-a-meen Valley and Okinagan that are specially favourable for winter ranches. In some the snow never lies, however deep it may be around.

The country, from the mouth of Fraser's River up to the Falls, is thickly wooded, mountainous, and impassable, so to speak, for man or beast. The river becomes more contracted above Fort Hope. Above the Falls, as far as Tquâ-yowm, the character of the country continues to resemble the same distance below. At Tquâ-yowm, however, as already noticed, a change takes place, and the evidences of a drier climate begin to appear. These continue to become more marked as we approach the Forks. At Thlik-um-chee-nâ, or the Little Fork, and upwards, rattle-snakes, wormwood and the cactus (prickly bear), characterise the scene; and some of these attributes extend thence downward for some distance.

At this point (Thlik-um-chee-nâ, the junction of Nicholas River with Thompson's River), the horse region may be said fairly to commence. Hence, to the frontiers of New Caledonia northward, and southward to the Pampas of Mexico, this useful animal is the best servant of man. Horses, however, are dear luxuries (comparatively speaking) in this quarter. At the Dalles, and around Walla-Walla, they are more numerous, and may be bought at very moderate rates.

In conclusion, I would suggest to every miner, by which road soever he may travel to the Couteau mines, to supply himself well beforehand, as he can depend upon little in that region, save what is imported by himself or others.

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