

EARLY DAYS ON SALTSpring ISLAND

The Indians of Cowichan looked at the island, noted the knob of rock that thrust itself upward out of the massive southern elevation to dominate the near-by countryside and wove their legend around it. *Chu'an*, they called it, meaning "facing-the-sea"; and because few trees or shrubs grew on its rounded summit, they told themselves that this must be one of the resting-places of *Swa'quawa*, the Thunderbird, where he paused in his flight from the ocean to his home among the inland mountains.

In the manner of their traditional mode of thought, the Indians saw the mountain, not as an up-surge of natural forces, but as a man transformed by *Haylse*, the supernatural being who, accompanied by his associates, Raven and Mink, had roamed the earth in mythical times, altering the features of the landscape to suit his whims. In time other details were added to the legend, and the story was told of how *Chu'an* aided another man-transformed-into-a-mountain, who lived on an island to the south, in ridding the area of a sea-monster that lurked off the northern tip of the Saanich Peninsula and swallowed many unlucky Indians passing by in their canoes. The man on the island to the south threw a great rock at the monster, but overshot his mark so that the rock landed on the beach at Maple Bay. Seeing what had happened, *Chu'an* called to the other mountain to improve his aim, with the result that a second rock struck the monster squarely, breaking his jaw and rendering him no longer a menace to the coastal inhabitants.

As with so many other parts of the British Columbia coast, the history of Saltspring Island begins with a report by James Douglas of the Hudson's Bay Company. Unhappily this report is not available, but Douglas mentioned it in a dispatch to Archibald Barclay, secretary of the company, dated May 16, 1853.

Many such [salt] springs exist on an island in the Canal de Arro, which I formerly examined and reported on to the Governor and Committee. . . . I shall direct Mr. Pemberton's attention to the subject as the discovery of salt on this island would be of the greatest importance and become a wealth to the country.¹

The earliest published map of the area shows it as Chuan Island. This was merely a simple sketch made to accompany Governor Douglas's

(1) Douglas to Barclay, May 16, 1853, MS., Archives of B.C.

British Columbia Historical Quarterly, Vol. XV, Nos. 3 and 4.

"Report of a Canoe Expedition along the East Coast of Vancouver Island." The voyage was undertaken in 1852, and the report with the accompanying map was subsequently published in the *Journal of the Royal Geographical Society* for the year 1854.² Joseph Despard Pemberton, Colonial Surveyor from 1851 to 1864, mentioned the island several times in his official correspondence, referring to it as "Tuan or Salt Spring Island." The altered spelling of the first name is probably due to the difficulty of accurately reproducing the Indian sound. The mountain, which was, of course, the only feature to which the Indian name applied, is marked on all Pemberton's maps as Mount Tuan.

On a map accompanying Captain Walter Colquhoun Grant's "Description of Vancouver Island," written in 1856, the name Salt-spring Island appears,³ but in 1859 this was officially changed to Admiral Island by Captain George Henry Richards, who conducted the coastal surveys from 1857 to 1863. This name, as well as that of Mount Baynes and Ganges Harbour, was given to honour Rear-Admiral Robert Lambert Baynes, Commander-in-Chief of the Pacific Station of the Royal Navy at the time, and of his flagship, H.M.S. *Ganges*. Despite this, "Saltspring" became the popular name, and in 1906 superseded "Admiral" as the official designation.⁴ As to the mountain, it suffered a further, though less noticeable, change of name. On later maps the "n" was changed to "m" and it became Mount Tuam.⁵

(2) This account was in reality a dispatch of Governor Douglas's, dated August 27, 1852, and was communicated to the Society by the Colonial Office and read at a meeting held February 28, 1853. *Journal of the Royal Geographical Society*, XXIV (1854), pp. 245-249.

(3) Captain W. C. Grant, "Description of Vancouver Island," *Journal of the Royal Geographical Society*, XXVII (1857), pp. 268-320.

(4) Captain J. T. Walbran, *British Columbia Coast Names, 1592-1906*, Ottawa, 1909, p. 436. The spelling "Salt Spring" frequently occurs, but according to the Geographic Board of Canada and the British Columbia Gazetteer this is incorrect and properly should be one word.

(5) How this occurred is not known, but there are two coincidences worth noting in connection with the latter name. J. D. Pemberton was an Irishman who studied engineering at Trinity College, Dublin, and became assistant engineer with the Great Southern and Western Railway of that country. [See H. S. Sampson, "My Father, Joseph Despard Pemberton: 1821-93," *British Columbia Historical Quarterly*, VIII (1944), pp. 111-125.] On a branch line of that road lies the busy market town of Tuam, the seat of an Archdiocese since 1152, chartered by James I and an important centre of retail agricultural trade. The second coincidence appears in the reminiscences of Edward Mallandaine, one of the original Saltspring Island landholders, who came to the colony at the outbreak of the

At no point did the history of Saltspring Island show even a trace of those swift surges of commercial and industrial expansion which so many communities experience at one time or another during their development and which add touches of drama and romance to what otherwise might be a prosaic recounting of mundane events, strung together in chronological order. Saltspring Island is simply the story of pioneer agricultural settlement, from the first somewhat unenthusiastic pre-emptions of unsurveyed land by would-be settlers whose limited resources would supply them with nothing better—through long years of struggle with a rugged terrain that yielded only grudgingly to the axe and plough, and an insecurity of life and livelihood that gave rise to many tensions and frictions—to an island community, self-respecting and in many ways self-sufficient. It is the story of determined farmers, in a period when contact with the outside world meant a struggle of a day or more over trackless hills to the nearest boat-landing and governmental authority was distant and not too interested in a polyglot of squabbling settlers and their problems, who seized their little parcels of land, endured solitude, sometimes privation, and not infrequently danger from animal and human enemies, and who finally established themselves in a firm agricultural security. Neither the fur trade nor the gold-rush nor the railroad boom so much as touched the shores of Saltspring Island, and the inhabitants were little affected by these events. Even the miners, those ubiquitous wanderers who have played so large a part in the development of the Province, probed only briefly and casually at the meagre mineral deposits of the island. Taken as a whole, the natural resources of the island symbolize solid mediocrity. There was a little of this and a little of that—a few minerals, a few fertile areas, a little building-stone, a little marketable timber—but no outstanding blessings that could bring rewards disproportionate to the labour involved. The story of Saltspring, like that of many another pioneer settlement, is the story of sheer hard work, redeemed only by the equable climate and the natural beauty of the island.

The gold-rush of 1858 to the Fraser River, which left so many lasting effects on the two British colonies of Vancouver Island and British

gold-rush in 1858. Describing the encampment of himself and two associates on an island in the mouth of the Fraser River he says: ". . . a friend of Thompson's, Tuam by name, an Irishman, put in an appearance with a bottle of whiskey." (Edward Mallandaine *Reminiscences*, MS., Archives of B.C.) These two items may have no bearing on the changing of Mount Tuan to Mount Tuam, but are nevertheless interesting.

Columbia, may also be held indirectly responsible for the settlement of Saltspring Island. The months following the subsidence of the gold fever saw thousands of erstwhile immigrants leave the country to return to their former homes in the United States. The boom which had followed the flood of gold-seekers, and which had turned the tiny port of Victoria from a primitive fur-trading community into a thriving town of many thousands of inhabitants, seemed due to collapse. Despite the general exodus of miners and business-men, a substantial number of persons, many in semi-indigent circumstances, remained. Britishers, Americans, Frenchmen, Germans, Australians, and men from Canada and the eastern maritime colonies lingered in Victoria in the hope that by some forlorn chance they might acquire the wherewithal to take up land and become self-sufficient residents of the colony.

For most of these immigrants, the official price of land—1 pound sterling per acre with no pre-emption rights—was prohibitive, and as the winter of 1858-59 wore on, many who would willingly have remained in British Columbia if the opportunity had been offered emigrated or returned to the United States, where land could be purchased at the nominal price of \$1.25 an acre or could be obtained in free grants for agricultural settlement. Nevertheless, the residual increase in population was considerable, although no one could foresee how long this would continue, and many were pessimistic over the probable complete extinction of the community at no very distant date. At best, the merchants and professional men of the town saw a retrogression to the former state of a mere trading-post unless there was immediately established a permanent agricultural population to support the newly founded business and industrial enterprises.

Thus there arose an impelling need for a more reasonable method of providing farming lands for those who wished to settle in the colony. A popular demand for land reform, unheard of since the abortive efforts of Rev. R. J. Staines in 1853,⁶ was once more voiced in the press and by petition to the Government. In July, 1859, Governor Douglas wrote to Sir Edward Bulwer Lytton, Secretary of State for the Colonies, saying:—

. . . There has been much agitation lately at this place on the subject of the sale price of country land, which up to the present time has been maintained at the official rate of One pound sterling per Statute Acre. . . . [This price] is con-

(6) See G. Hollis Slater, "Rev. Robert John Staines: Pioneer Priest, Pedagogue, and Political Agitator," *British Columbia Historical Quarterly*, XIV (1950), pp. 209 ff.

sidered too high and has become a constant subject of complaint with the people of this colony. . . . Public meetings have lately been held at this place for the purpose of getting up petitions and bringing to bear upon the Government an influence sufficiently powerful to forward that object.⁷

In this dispatch Douglas reviewed the distressing plight of a number of immigrant petitioners who "in consequence of detentions on the way hither, and the obstacles encountered since their arrival in this colony" found they had no hope of becoming permanent residents unless they were allowed to settle on public lands free of the purchase price for at least twelve months. The petition mentioned suggested that the price of settlers' land should be reduced to \$1.25 an acre, payable in four years. Douglas informed Lytton that he had rejected both suggestions but had compromised by lowering the initial instalment from 5 shillings to 1 shilling per acre, with payments to be arranged "so that the actual price of land, and the period at which the respective instalments fall due remain unaltered."⁸

Although during the earlier days of the colony Douglas had disapproved of cheap land, holding the opinion that it would create a rash of speculation and an inordinate rise in the price of labour, he later came to realize that something had to be done to encourage immigration and settlement. He was fully aware of the competition offered by the land policy of the United States, and on more than one occasion pointed out to the Colonial Office the need for radical changes in the land-disposal system in the colonies.⁹ Unfortunately, the Governor was handicapped in his efforts to effect any sweeping change in the land system in so far as Vancouver Island was concerned by the fact that legal adjustments in connection with the revocation of the original grant to the Hudson's Bay Company were still in process of settlement. In November, 1859, he complained to the Duke of Newcastle:—

. . . No official announcement has been yet made to me of the revocation of the grant. I have at present therefore no power either to grant a legal Title or to make sales of Public Land, and I am in consequence placed in a position of extreme embarrassment.¹⁰

During the spring and summer of 1859 rural districts were being formed and surveys were being prosecuted with all practicable dispatch. Each district comprised sixteen square blocks of 1,000 acres each,

(7) Douglas to Lytton, July 20, 1859, MS., Archives of B.C.

(8) *Ibid.*

(9) Douglas to Newcastle, March 10, 1860, MS., Archives of B.C.

(10) Douglas to Newcastle, November 24, 1859, MS., Archives of B.C.

subdivided into 100-acre lots. In July of that year J. D. Pemberton, the Colonial Surveyor, reported to the Governor that some 80,000 acres in the Cowichan and Nanaimo districts had been subdivided at an average cost of approximately one-third of a cent per acre.¹¹ The first step toward the actual lowering of land prices was taken at the suggestion of Pemberton, who proposed that 200 of the 100-acre lots which could not be disposed of at the regular price and, in addition, some 20,000 acres scattered throughout the surveyed areas, but of a quality too inferior to warrant dividing into regulation lots, should be put up for auction at the upset price of 4 shillings and 2 pence per acre. In forwarding this suggestion with his approval to the Colonial Office, Governor Douglas hastened to explain that he had given his sanction to the sale of land "as a special and exceptional case, in no wise affecting the sale price of other public lands in this colony."¹²

Under the heading "Cheap Lands," the *British Colonist* made the following comments on the proposed sale:—

. . . this concession comes with bad grace,—after the government has driven thousands of British Subjects and others who wanted land to take refuge in the United States . . . still cheap land we hail as a step in the right direction. But it does not go far enough to suit us . . . public lands ought to be open to pre-emption . . . on condition of actual residence and the cultivation of a certain number of acres with improvements; and a reasonable period allowed to pay for the land.¹³

During the following month the cry for a lower price for land and the establishment of a pre-emption system continued unabated. Governor Douglas, however, despite his avowed sympathies with the land-seekers, remained adamant on the question of making any basic change in either the price or the method of disposal of public lands.¹⁴

(11) Pemberton to Douglas, July 22, 1859, Correspondence of the Lands and Works Department, *MS.*, Archives of B.C.

(12) Douglas to Lytton, July 19, 1859, *MS.*, Archives of B.C.

(13) Victoria *British Colonist*, June 13, 1859. It should be pointed out that no part of Saltspring Island was included in this sale. The areas involved were North Saanich, South Saanich, Esquimalt, Metchosin, and Sooke. *Victoria Gazette*, July 16, 1859.

(14) As late as July 13, in replying to a group of immigrants who had approached him on the subject of cheaper lands and a pre-emption system, Governor Douglas stated emphatically that the price of land had been fixed by the Crown and could only be altered by the same authority; that his only power lay in modifying the instalment payments. In the matter of unsurveyed lands he was willing to exercise his authority to the extent of allowing settlers to go on the land with a reduced payment of 1 shilling per acre, no further payments to be required

About this time a group of would-be settlers nominated a committee, headed by a Victoria lawyer, John Copland,¹⁵ to apply for permission to take up land in the Cowichan district. Claims script for that area having already been issued, the committee was offered unsurveyed lands in the Chemainus district,¹⁶ and on July 18 a party of thirty persons set out to explore the area which included certain portions of Saltspring Island. It was soon apparent that there had been at least an unofficial change in policy, for the Government instituted a make-shift pre-emption system which allowed settlement of the unsurveyed lands at Chemainus and Saltspring Island without even an initial instalment.¹⁷ Between July 26 and 30 settlement rights were granted to 241 persons, twenty-nine of whom sought lands on Saltspring Island. On July 26 Pemberton acknowledged an application from John Copland on behalf of these twenty-nine persons, in which he stated:—

I acknowledge to have received from you the names of 29 persons, list of whom is hereto annexed for whom you are agent and who apply through you for permission to settle on the unsurveyed lands of Tuan or Salt Spring Island, their reason being want of funds to settle on surveyed lands elsewhere in which cases an immediate installment is required. The Permission asked for I am empowered to give and am further to state distinctly that after the survey of the lands in question shall have been made, pre-emptive rights in those of the number stated, who shall have effected most improvements in the way of Buildings, fencing, or cultivation on any government section shall be recognized, and that the sections shall be laid out continuously with and as portion of the same network which

until the land had been surveyed. This, it was expected, would not take place until the following year. Nevertheless, the inference was that unless instructions to the contrary were received from the Colonial Office, and admittedly this was expected in the near future, the price of land when surveyed would still be \$1 per acre. *See Victoria Gazette*, July 14, 1859.

(15) John Copland was a young man of good family from Edinburgh, Scotland, where he had spent four years serving his law apprenticeship with James Duncan. Having passed his examinations at the University of Edinburgh, he left home for the colonies, spending six years in Australia before coming to Vancouver Island in 1858. *Victoria British Colonist*, December 24, 1859; July 7, 1862.

(16) *Ibid.*, July 13, 1859.

(17) Whether this was Pemberton's idea, which in view of later developments and the fact that previous changes in land-sales regulations had been made at his suggestion it seems most reasonable to assume, and whether Governor Douglas had given his approval to all the details of the scheme, is not known. Certainly the policy was never officially proclaimed, nor was its authorization sought from the Imperial Government. Moreover, later references to pre-emption measures in Douglas's letters to the Colonial Office carry an inference of his unwillingness to admit to a former scheme having been in operation.

extends over the adjoining Country at Cowichan. I am further empowered to delay the survey of that portion of Tuan Island on which these persons shall settle for [left blank] years or until requested at an earlier period to survey and issue titles by the majority of the holders at the future time alluded to. Provided that as soon as the lands are surveyed immediate payment at the rate and on the terms that shall then exist or immediate forfeiture of the same and improvements shall ensue.¹⁸

Further conditions prohibited the occupation of Indian lands and reserved the right of the Government to resume any portion of the lands that might be needed for public purposes. The same terms were made applicable to the 212 persons who wished to settle in the Chemainus area.¹⁹

During the next few months two more groups applied for pre-emption rights on Saltspring Island through John Copland. The first of these, numbering thirty-two persons, was made up largely of recent immigrants from Australia. Pemberton granted them permission to settle on the same conditions as had been laid down for the first group, stating that there were "still remaining unoccupied tracts of good land on Salt Spring Island."²⁰ On December 8, 1859, Copland forwarded the names of an additional fifty-six persons who desired to take up land on the island. Pemberton may have suspected that a number of these applicants were local Victoria residents with little intention of occupying their claims, who planned to make some improvements and in time, when surveys had been made, to sell at a profit. Having designed the scheme for the benefit of *bona fide* settlers, the Colonial Surveyor had no intention of permitting it to be used for speculative purposes. Consequently, in permitting the members of this larger group to claim land on the island, he added two more terms to those that had been laid down the July previous: that when occupation ceased, all title to the land should

(18) Pemberton to Copland, July 26, 1859, Correspondence of the Lands and Works Department, MS., Archives of B.C. See also Pemberton to Messrs. Sparrow, Manly, and Wright, July 30, 1859, *ibid.*

(19) Copland's connection with the larger Vancouver Island group was severed shortly after he had applied for the twenty-nine Saltspring Island pre-emptions, owing to his disagreement with the other members of the committee and his insistence that he was the "only proper representative of the petitioners." A second public meeting by the Chemainus group appointed the other three committee members—Sparrow, Manly, and Wright—as their sole agents. *Victoria British Colonist*, August 19, 1859.

(20) Pemberton to Copland, September 19, 1859, Correspondence of the Lands and Works Department, MS., Archives of B.C.

cease, and that no person could sell his land without first obtaining a licence to do so.²¹ By the end of 1859 some 117 persons had applied for and received permission to settle on Saltspring Island without payment of any kind, under an unofficial pre-emption system limited to unsurveyed land in the Chemainus and Saltspring Island districts.

In the rather confused circumstances of Vancouver Island affairs it may have been that Pemberton was permitted to exercise his own judgment to some extent in dealing with public insistence on a less restrictive land policy. Until December 12, 1859, there appears to have been no correspondence on the subject between the Governor and the Surveyor-General. On that date Pemberton wrote to Douglas officially suggesting certain pre-emption measures, the main points of which, in the case of Chemainus and Saltspring Island, had been in operation for nearly five months. The Governor was reminded that a good deal of inferior land containing, however, many fertile spots had been continually rejected even when offered for sale at the upset price of 4 shillings and 2 pence per acre. Pemberton went on to say:—

. . . I would therefore earnestly and respectfully suggest that these sections . . . be thrown open to pre-emption, believing that many persons who now wish to occupy land at a distance at Saltspring Island for instance or Chemainus, would thereby be induced to seek out and occupy the fertile spots alluded to and that an impetus would be given to settle up lands which although near Victoria are too wild to sell at present.²²

The rules of pre-emption, as contained in Pemberton's original letter, were as follows:—

1. The sale of lands as heretofore at 4s 2d per acre to be discontinued.
2. Single men allowed to pre-empt 100 acres, married men with families 200 acres in the manner and on the terms hereafter described.
3. Any person wishing to occupy a particular piece of land can easily ascertain at the Land Office whether the land has been sold or not.
4. If not, such person shall furnish to the Surveyor-General a statement in writing to the best of his ability of the boundaries and quality of his claim and on his paying a fee of 10 shillings to the Colony his statement will be filed and his name enrolled in a register to be kept at the Land Office for the purpose.
5. Priority of Registration will be *prima facie* evidence in favour of a settler if when the government survey is being made two or more persons shall occupy and claim one section.
6. Continued occupation from fifteen days after registration indispensable—if it shall be proved to the Surveyor-General that an improved claim shall have been

(21) Pemberton to Copland, December 8, 1859, *ibid.*

(22) Pemberton to Douglas, December 12, 1859, *ibid.*

vacated for three months, re-registration shall on application take place and the original registration be cancelled.

* 7. An occupier can transfer by simply effecting a fresh registration at the Land Office, paying as before a fee of 10 shillings to the Colony.

8. Payment will not be required nor the government survey made before a majority of registered claimants in any district shall apply for indentures—if they do so within two years from the date of this notice.

9. The price shall not exceed five shillings an acre payable as the authorities shall then direct.

10. These rules shall be applicable to the following districts, viz: Esquimalt; Metchosin; Sooke; Lake; N. Saanich; Highland; and to the lands not reserved for government purposes.²³

When Douglas dispatched Pemberton's suggestions to the Colonial Office with his approval, he pointed out that the scheme was to be a provisional one only and that pre-emption was to be limited to specific categories of land. There appears to have been no attempt to obtain official authorization for the Saltspring Island and Chemainus pre-emptions. The Governor wrote:—

. . . It is further necessary for me to state for your Grace's information, that the proposed pre-emption measure is not intended for general application, and will be restricted in its operation exclusively to surveyed districts of the Colony after the valuable land of such Districts has been sold on the usual terms of £1 sterling an acre, and when the residue of the land cannot be sold on any terms.²⁴

Apparently the Governor still felt that the uncertain legal circumstances surrounding land tenure in the island colony precluded the pre-emption of lands which might at some future date bring the regulation sale price. Thus Chemainus and Saltspring Island were not to be included in the scheme and remained, in a manner of speaking, beyond the pale of official policy.

The sanction of the Colonial Office was contained in two dispatches dated February 21 and June 28, 1860.²⁵ Although there appears to have been a mistaken idea current in the colony that the regulation sale price of land had been reduced, such was not the case. In November, 1860, J. D. Cusheon, a prominent Victoria businessman, wrote to the Surveyor-General stating that the Governor had given him permission to purchase 1,000 acres of land on Saltspring Island at \$1.25 an acre. He had expended \$3,300 in having the land improved, maintaining a crew of sixteen men there for four months, clearing land, cutting 3 miles

(23) *Ibid.*

(24) Douglas to Newcastle, December 17, 1859, MS., Archives of B.C.

(25) Douglas to Newcastle, April 25, 1861, MS., Archives of B.C.

of road to a wharf-site at Ganges Harbour, and erecting a permanent family dwelling. He was anxious to pay for the land and to receive title.²⁶ The reply of B. W. Pearse, the Acting Colonial Surveyor, makes it clear that, as far as Douglas was concerned, the situation regarding land sales had not altered appreciably. Cusheon was told that he could "occupy on the pre-emption system adopted in Salt Spring Island" 200 acres, but that the sale price of land which had not yet been offered for sale at public auction was still £1 an acre.²⁷ It was not until February, 1861, when the sale price of land in the adjacent Mainland colony of British Columbia had been reduced officially to 4 shillings and 2 pence an acre, that Douglas, accepting at its face value the former suggestion of the Colonial Office that practices adopted in one colony should be established in the other, issued a proclamation lowering the sale price of country land on Vancouver Island to the same figure. A month later, following the same line of reasoning, the pre-emption system existing on the Mainland was extended to "the whole of Vancouver Island and its dependencies."²⁸ Thus a full eighteen months elapsed between the first allowance of pre-emptive rights by Pemberton and the official proclamation of the new policy.

It appears that on occasion the unofficial pre-emption of land at Chemainus and Saltspring Island caused the Government some embarrassment and, in some measure, was responsible for the chaotic state of land recording found to exist there at the time Provincial surveys were made following British Columbia's union with Canada in 1871.

Shortly after the initial occupation of the Chemainus and Saltspring Island pre-emption claims a confused situation arose as to the legal status of the settlers. On October 4, 1859, during a debate in the House of Assembly concerning the period of residence required for franchise qualification, Pemberton declared that the Chemainus settlers (which included those on the island) had no legal title to the land they occupied and that they were, in effect, mere squatters—on sufferance through the kindness of the Government in allowing them to take up land without payment.²⁹ The issue was taken up immediately by Copland. After confronting the Surveyor-General with his own letter of July 26 setting

(26) J. D. Cusheon to Pemberton, November 20, 1860, Correspondence of the Lands and Works Department, *MS.*, Archives of B.C.

(27) B. W. Pearse to J. D. Cusheon, November 28, 1860, *ibid.*

(28) Douglas to Newcastle, April 25, 1861, *MS.*, Archives of B.C.

(29) Vancouver Island, House of Assembly, *Journals*, October 4, 1859, *MS.*, Archives of B.C.

out the regulations, the lawyer was able to state in a letter to the *British Colonist*³⁰ that the Surveyor-General had assured him that the settlers were in legal possession of their land with the right to the franchise, providing the stipulated period of residence in the colony had been met.

That Governor Douglas was aware of the confusion which might attend the proclamation of an official pre-emption system, particularly in so far as the two special areas were concerned, is shown in a letter sent by the Colonial Secretary to Pemberton a few days after the proclamation of March 21, 1861.

With reference to the recent Proclamation throwing open the lands of Vancouver Island to pre-emption, I have to instruct you to decline to record any claims that may be preferred to lands lying in the Districts of Salt Spring or Admiral Island and Chemainus as those lands were subject to pre-emption under a previous arrangement the claims arising out of which must be adjusted and settled before the present system can take effect.³¹

In May, 1861, Pemberton published a list of the names recorded as landholders on Saltspring Island, and signified that he would register these names as bona fide settlers under the terms of the recently proclaimed "Land Act."³² This meant that if the land was considered to have been surveyed, the settlers would have to make an immediate payment. Sometime earlier a superficial tracing of the claims around St. Mary Lake had been made for the Government by John Tait, and a map of the north-east coast settlement had been drawn by someone for the purpose of registration. The issue appears to have revolved around the question as to whether either of these could be considered official surveys.³³

Whether from a desire to see justice done or from a desire to embarrass Douglas and Pemberton since he was associated with the anti-Government faction of the time, Copland immediately drew up a formal protest, stating that the settlers on the island were fully authorized in their legal occupation by Pemberton's letter of July 26, 1859, and that the regulations of the new pre-emption system could not be applied nor could payment be demanded until a majority of the settlers requested and obtained proper surveys as provided for in the original regulations.³⁴

(30) *Victoria British Colonist*, October 5, 1859.

(31) W. A. G. Young to Pemberton, March 28, 1861, Correspondence of the Lands and Works Department, *MS.*, Archives of B.C.

(32) *Victoria British Colonist*, May 18, 1861.

(33) *Ibid.*, May 24, 1861.

(34) Copland to Pemberton, July 6, 1861, Correspondence of the Lands and Works Department, *MS.*, Archives of B.C.

What reply Pemberton made to this statement is not known, but that no particular steps were taken to clear up the matter is evidenced by a reference in the report of the Chief Commissioner of Lands and Works as late as 1874.

The position of settlers' claims upon this Island is most confusing, and in no part of the Province are surveys more urgently required.

From the archives of this Department I gather that, in the early part of 1860, a number of persons settled on this Island; consequently, prior to any Land Pre-emption Proclamation in the Province. Some of these settlers were permitted to take possession of, and occupy, 200 acres; others, 150 acres; and, subsequently, others recorded 100 acres of land. Until the past summer, no regular system of surveys had been made on the Island; . . .

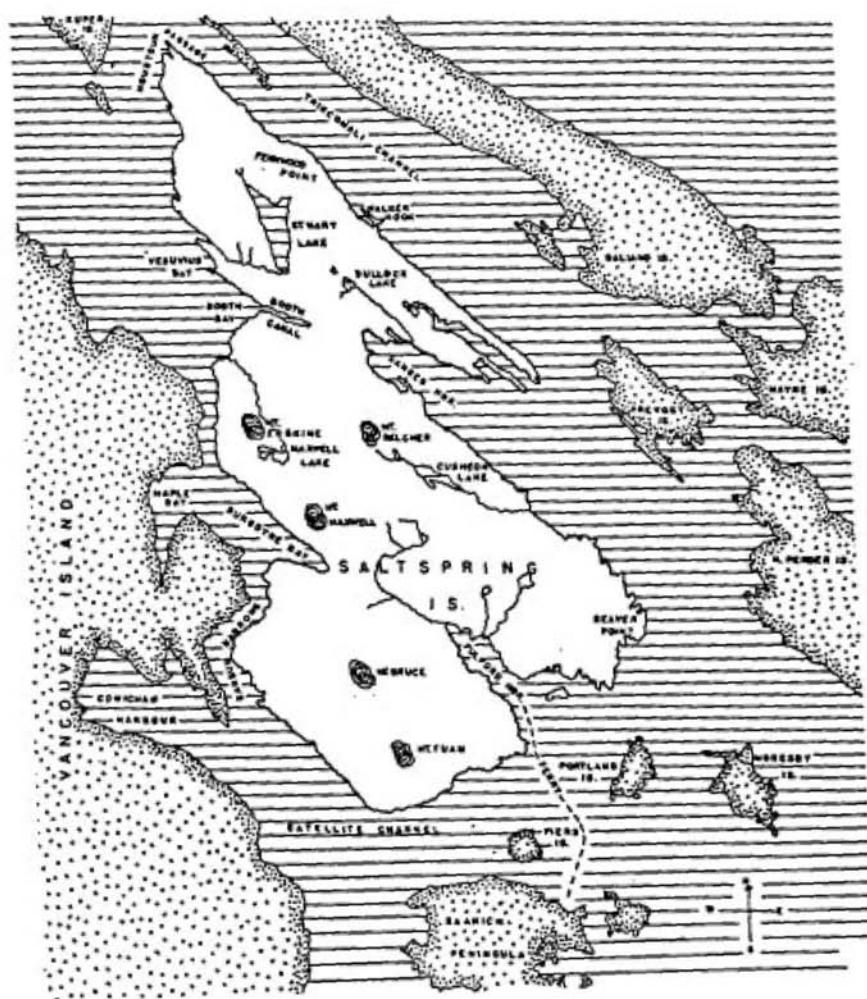
Several disputes, and more than one law suit, have arisen out of these complications. I am so informed by Mr. Green, the gentleman who surveyed a portion of the Island this summer, that the Pre-emption Record Map, in the Land Office, shows an extensive acreage of land that has no existence, and as it is recorded by settlers, who claim that they are entitled to their acreage in that locality, it is impossible to say where these difficulties will end.³⁵

From this we may infer that the Colonial Government had been only too willing to let future generations of Civil Servants untangle the ravelled skein of Saltspring Island land claims.

The early settlement on Saltspring Island presented a picture of mixed nationalities and colour. A large number of the pioneer farmers that came to the island during the first two years were negroes—a remnant of the extensive group that migrated to Vancouver Island from California and Oregon.³⁶ Among these were Louis Stark and his wife,

(35) *Report of the Chief Commissioner of Lands and Works of the province of British Columbia from the 1st December, 1873, to the 31st December, 1874*, Victoria, 1875, pp. 148–149. An example of the complications is to be found in the case of E. J. Bittancourt, full details of which are to be found in "Return to an Address of the Legislative Assembly praying for a copy of the Petition of Estulon José Bittancourt to the Lieutenant-Governor in Council, concerning a piece of land to which said E. J. Bittancourt lays claim, together with all correspondence and documents connected with and relating to said Petition," *British Columbia Sessional Papers, 1875*, pp. 657–663.

(36) This group, which has been variously estimated as numbering between four and eight hundred, came to Victoria in several contingents in the spring of 1858, just prior to and during the gold-rush immigration. The objective of the negroes, however, was not gold, but simply to escape from the racial discrimination that was appearing in California. Unfortunately, public interest in their migration was swamped in the hurly-burly of excitement attending the gold-seekers. See F. W. Howay, "The Negro Immigration into Vancouver Island in 1858," *British Columbia Historical Quarterly*, III (1939), pp. 101–113.



Sketch-map of Saltspring Island.

Sylvia, both former slaves;³⁷ Abraham Copeland and his son-in-law, W. L. Harrison;³⁸ the three Jones brothers, John, William, and Elias;³⁹ William Robinson, destined to be the first settler killed on the island by Indians; and Armstead Buckner. Four Portuguese—Manuel Antoine and Estalon José Bittancourt and John and Delarvo Norton—were among those that came to find new homesteads on the island. Others were English, American, and men from Canada and Australia. Edward Mallandaine, who later became well known in Victoria for his private school, and John Patton Booth, who eventually became Speaker of the Legislative Assembly, were among the first arrivals.

The early pre-emption claims were all at the north end of the island and rather widely dispersed. The Bittancourts claimed the sections in the immediate vicinity of Vesuvius Bay, while the Starks and William Robinson went a little to the north, near what is now Broadwell Mountain. Several other negroes—Copeland, Harrison, Buckner, and Jones—as well as the Portuguese Norton brothers took up claims along the eastern and southern approaches to St. Mary Lake and southward to where the fingers of Ganges Harbour and Booth Bay almost meet. John Booth's land lay to the east and south of the narrow canal that bears his name. This group of holdings later became known as Central Settlement. North of St. Mary Lake, along the sea-frontage facing Houstoun Passage, Jonathan Begg, Edward Walker, and Henry Sampson laid out adjoining farms and formed Begg's Settlement. Edward Mallandaine went farther afield to stake his land, just west of the L-shaped promontory known as Walter Hook.⁴⁰

(37) Louis Stark was the son of a slave master and one of his slaves. As a youth he worked as a barber on the Mississippi River steamers. Later he moved to Oregon, and from there to Victoria and later to Saltspring Island. [Victoria British Colonist, March 1, 1895.] Sylvia Stark was born a slave in Missouri and later moved to Oregon. [Sidney Review and Saanich Peninsula Gazette, November 15, 1944.]

(38) According to his grandson, E. L. Harrison, Abraham Copeland at one time owned property in Indianapolis, Indiana, where the Central Station now stands. From there he emigrated to London, Ontario, with his son-in-law, W. L. Harrison, and later came to Victoria via Panama.

(39) Mr. E. L. Harrison states that the three Jones brothers had all graduated from an eastern college in 1856. John remained on the island, but William and Elias followed the gold-rush to Barkerville.

(40) See Pre-emption Record Map, Saltspring Island, British Columbia, Department of Lands.

The first group of Saltspring Island settlers—seventeen in number—left Victoria on July 27, 1859. By November 22 forty settlers were reported to be on the island, many of whom had already begun to erect buildings in preparation for permanent settlement. Two weeks later an additional fifty-six persons applied for pre-emption rights, but it is doubtful whether or not all of them made immediate claims.

One of the first white women to reside on the island was Mrs. Henry Lineker, who, according to the testimony of her daughter, Mrs. Thomas Griffiths, arrived there on November 5, 1859. The widow of a Captain Cape, of Sydney, Australia, she had emigrated to San Francisco with a party of her countrymen and later moved to Victoria during the Fraser River gold-rush. There she married Henry Lineker and took up residence on his farm at Ganges Harbour. Mrs. Joseph Akerman was another of the early white women to come to the island. She arrived at Victoria on January 10, 1863, aboard the *Robert Lowe*, being one of the thirty-six immigrant girls brought out from England for domestic service in the colony. She was then Martha Clay and within a few months of her arrival in the colony she married Joseph Akerman and went with him to his holding in the valley between Burgoyne Bay and Fulford Harbour. A short time later Mrs. George Mitchell came to settle in the same area. She had come to the colony on board the Scottish barque *Kincaid* and, as in the case of Mrs. Akerman, was married within a few months of her arrival.⁴¹

No sooner had settlement taken place than the elections of 1860 gave the new arrivals an opportunity of showing their political colours. Considering the financial straits of many of the settlers and the illiteracy of many others, it was almost inevitable that the man who had arranged the settlement, who was himself a landholder and who had become the unofficial champion of the inhabitants, should be the first person nominated to represent the island in the House of Assembly. The *British Colonist* of December 20, 1859, carried a card addressed to John Copland, nominating him as a candidate for election. It was signed by Edward Mallandaine, Edward Walker, A. Stenhouse, John Gordon McKay, F. P. Gerry, C. Reed, J. D. Cusheon, Fielding Spott, William Brown, and W. Bond.⁴²

(41) *Sidney and Islands Review*, October 7, 1926. For obituary notice concerning Mrs. Akerman, see *Victoria Colonist*, December 17, 1933. For reminiscences on early days and pioneers of the island generally see Margaret Walter, *Early Days among the Gulf Islands of British Columbia*, Victoria, 1946, pp. 16-35.

(42) *Victoria British Colonist*, December 20, 1859.

The political squabbles which were being carried on in Victoria between the group supporting the so-called "Family-Company-Compact" and the reform element led by Amor de Cosmos, owner-editor of the *British Colonist*, were reflected in the scattered settlements of Salt-spring Island. Copland, who had associated himself with the anti-Government faction, was supported editorially by the *Colonist* at every opportunity. After the manner of elections in those early days the battle waxed loud and long. Many a harsh word was said on both sides, and the Government was accused of conniving at open malpractice in the setting-up of the election machinery. Actually the reason the election was handled in such an unsatisfactory manner seems more likely to be found in the muddled circumstances surrounding the settlement of the island rather than in any deliberate attempt on the part of the Government to impede the franchise.

Prior to the election a register of voters was opened at Victoria, but due to the remoteness of the island under the transportation facilities of the day and the consequent lack of postal service, only the non-resident landholders—those living in the immediate vicinity of the capital—were aware of this. When it was realized that the islanders knew nothing of the register, De Cosmos raised the cry that a local registry office should have been established.⁴³ As a result, the register was opened again, but according to Copland's later complaint this was done only after the official voters list had already been posted and without public notice having been given. The young lawyer claimed that this had allowed a certain amount of undercover campaigning to aid the "government candidate," J. J. Southgate, a Victoria merchant, most of whose support came from the Chemainus settlers.⁴⁴ Early in January an editorial in the *British Colonist* claimed that no opposition had been offered to Copland until it had been discovered that he had no intention of supporting the leader of the Government group, George Hunter Cary. The editorial went on to say, somewhat truthfully, but no less pretentiously:—

If any other man than a resident there had a claim to be elected by that constituency it is Mr. Copland. But for his efforts in chartering a vessel to explore the island, getting a pre-emptive system established and securing the franchise to the settlers, there would have been no Salt Spring Island.⁴⁵

(43) *Ibid.*, November 25, 1859.

(44) *Ibid.*, January 5, 1860.

(45) *Ibid.*, January 5, 1860.

On the other hand, Copland's handling of the settlement scheme had made him one or two enemies.⁴⁶ Several veiled threats and insinuations as to his former reputation when residing in Australia were tossed his way from the *British Colonist's* rival, the *Victoria Gazette*.⁴⁷

There are one or two indications, if some credence is given to Copland's story, that perhaps unorthodox attempts were made to secure his defeat. The Government had appointed Jonathan Begg as Returning Officer and had set the date of the election for January 13. Copland claimed that when he approached the Colonial Secretary to make certain of the election date, he had been told that it would not be held until January 20. As late as the day the election was held, the *British Colonist* commented, evidently from information received earlier: "Although quite a number of electors live here [on the island] not a word has been dropped as to the day on which the elections would be held."⁴⁸ Considering the dispersed holdings of the settlers, the lack of communication between them, and the fact that no community centre, not even a school-house, had been established, the almost outright accusation that the Returning Officer had deliberately posted the election notice on an uninhabited shack deep in the woods only three days before the election, instead of the regulation six, does not seem quite justified.⁴⁹ Nevertheless, it is evident that Copland's desire to play the part of a "champion of the masses" on Saltspring Island did not increase his popularity with the governing clique and those supporting it.⁵⁰

George Hunter Cary, the Attorney-General, who attended the election in support of J. J. Southgate, caused even more ill feeling by openly congratulating his man on winning the election even before it had taken place. When Henry Lineker, spokesman for the resident settlers, protested this, Cary is said to have replied with an oath that the whole affair was a mass of irregularities and illegalities; that "the bunglers in

(46) The following extract is from an undated and unsigned letter in the Archives of B.C. concerning this election: ". . . whether Messrs. Southgate and Sparrow were induced to stand by the Government we cannot of course say, but we think after the conduct of Mr. Copland in the matter of the settlement, Government will obtain great applause for putting forward any respectable man who may keep out Mr. Copland."

(47) *Victoria Gazette*, December 23, 1859; January 6, 1860.

(48) *Victoria British Colonist*, January 14, 1860.

(49) *Ibid.*, January 19, 1860.

(50) No doubt Copland's quick defence of the settlers' possessory and franchise rights the previous October had not endeared him to the governing officials.

town had done it," but that the settlers might as well stop protesting, vote for Southgate and "forget it."⁵¹ Of the ten men who had nominated Copland, only one of them, Edward Mallandaine, was able to vote in the election owing to the muddled system of registration.⁵² A protest was drawn up on the spot, signed by fifteen settlers, and handed to the Returning Officer. The protest took exception not only to the lack of notification regarding the initial opening of the voters register and its subsequent reopening, but also to the manner in which the notice of election had been given and "other informalities and illegalities."⁵³ The fracas drew considerable attention, partially because Copland threatened to sue G. W. Heaton, High Sheriff of Vancouver Island, for illegally opening the voters register the second time, thereby, in the lawyer's opinion, causing him to lose the election.⁵⁴ Begg, the Returning Officer, was questioned regarding the circumstances of the election in a letter from Governor Douglas and replied that he had "held the election in due form," adding, however, that the lack of regular postal communication between the island and Victoria was "severely [sic] felt" by the settlers.⁵⁵ Nothing came of the protesting. Copland's threat to sue the High Sheriff, which was largely bluff in an attempt to intimidate Heaton into an out-of-court settlement, was never carried out. J. J. Southgate entered the House of Assembly as representative of Saltspring Island, and the matter closed with the satisfied report of Governor Douglas to the Colonial Office that:—

There was a close canvas and a keen contest in nearly every District represented, and it is gratifying to observe that the returns exhibit the names of so many of the most intelligent and respectable gentlemen in the colony.⁵⁶

With the settlement securely established and a representative in the House of Assembly, the Saltspring Island settlers buckled down to the work of turning their wilderness acreage into profitable farms. The land was not eminently suited to agriculture, the largest part of the island being fit only for grazing purposes, but by August, 1860, there were nearly seventy resident landholders hard at work, clearing, ploughing, and fencing their properties.⁵⁷ Many of the settlers had considerable

(51) *Victoria British Colonist*, January 19, 1860.

(52) Saltspring Island Election Papers, 1860, MS., Archives of B.C.

(53) *Victoria British Colonist*, January 17, 1860.

(54) Copland to Heaton, January 20, 1860, MS., Archives of B.C.

(55) Jonathan Begg to Douglas, January 20, 1860, MS., Archives of B.C.

(56) Douglas to Newcastle, January 25, 1860, MS., Archives of B.C.

(57) *Victoria British Colonist*, August 23, 1860.

acreage planted with barley, oats, and potatoes, and were engaged in raising cattle, pigs, and other smaller stock which would be likely to find a ready sale in the Victoria market. The Salt Spring Island Agricultural Association had been formed, with Jonathan Begg, Henry Lineker, J. Elliot, Jacob Francis, John Booth, and John Ussher as directors.⁵⁸

Nor was the island entirely lacking in commercial and industrial undertakings. Jonathan Begg had opened a store on his farm in December, 1859, and in connection with his ambitious scheme of operating a nursery of fruit-trees, ornamental shrubs, and flowers, he boldly advertised in the *Victoria Directory* of 1860:—

SALT SPRING ISLAND STORE, POSTOFFICE AND NURSERY

The subscriber will keep constantly on hand a choice stock of
Flour, Groceries and Provisions
Dry Goods, Hardware, Etc.

Which will be sold cheap for cash or exchanged for country produce. The subscriber has also commenced a Nursery of Fruit and Ornamental Trees, together with Hedgings, Roses, Flowers, etc., on his farm at Salt Spring Island where he hopes to be able to supply those favouring him with orders on the best of terms.

J. BEGG.⁵⁹

The Saltspring Island Stone Company, which had been formed to quarry the massive beds of sandstone lying close to the shore from Vesuvius Bay north to Houstoun Passage, was another promising venture. A report in the *British Colonist* in March, 1860, stated that the stone was suitable for all building purposes, being of a dark-grey colour and easily worked. It could be laid down in Victoria at \$8 per ton.⁶⁰ The company, as originally formed, consisted of five men—H. Elliot, William Senior, Robert Leech, E. Williams, and John Lee. The last named was a building mechanic who handled the sales and construction work in Victoria, while the other four operated the stone-quarry on the island.⁶¹

J. D. Cusheon's 1,000-acre development, previously mentioned, promised to become the largest on the island. Unfortunately, Cusheon abandoned his plans; a reference to the property in 1863 stated that it had

(58) *Ibid.*, May 8, 1860.

(59) Edward Mallandaine, *First Victoria Directory . . . , Victoria, 1860*, p. 41.

(60) *Victoria British Colonist*, March 13, 1860.

(61) Reminiscences of Edward Mallandaine, MS., Archives of B.C.

been unoccupied for over a year.⁶² Living conditions on the island were typical of pioneer life in many parts of the Pacific Northwest. Regular and safe postal services were lacking almost entirely, making it necessary to send mail to Victoria via Nanaimo and New Westminster.⁶³ Until wharves were erected at Begg's Settlement and at the stone-quarry, there were no loading facilities of any kind, and, consequently, bringing in provisions, particularly during the winter, was subject to the vagaries of wind and weather. The Bittancourts ran a small schooner occasionally, sailing when they could and rowing at other times, but to reach Victoria by canoe took anywhere from one and a half to three days, depending on wind and tides. By 1861 the negro population in the Ganges Harbour area—Central Settlement—had grown considerably. Rev. Ebenezer Robson, a Methodist missionary, made his first visit to the island in February, 1861, and reported that of the twenty-one houses in the district, all but four were occupied by coloured families.⁶⁴

The winter of 1862 gave the settlers a bad time. In December, 1861, there were twenty-two claims occupied on the north side at Begg's Settlement. With others being taken up along the narrow strip of fertile land between Burgoyne Bay and Fulford Harbour and the promise of roads to connect the communities, the future of the island appeared hopeful.⁶⁵ But in May of the following year less cheering news was reported. The severe winter had killed off nearly 100 head of cattle, and many of the settlers had been dangerously low in provisions. These conditions, combined with the inaction of the Government in the matter of postal services, had reduced the number of residents by one-third.⁶⁶

But Government and the elements were less sinister obstacles to settlement than the threat of Indian hostility. In the decade from 1860 to 1870 a series of incidents took place which kept the settlers in a constant state of fearfulness. Besides conducting massacres amongst themselves, the Indians murdered several settlers and robbed many others. From the beginning the Cowichan tribesmen, although showing no really dangerous attitudes, repeatedly told the settlers that they had no right to be on the island. This seems to have been more particularly the case with regard to the negroes, whom the Indians insisted on

(62) *Victoria British Colonist*, April 9, 1863.

(63) *Ibid.*, May 1, 1860.

(64) Ebenezer Robson *Diaries*, February 19 and 21, 1861, MS., Archives of B.C.

(65) *Victoria British Colonist*, August 8, 1861; February 3, 1862.

(66) *Ibid.*, May 5, 1862.

regarding as inferior to themselves, with no claim to the respect normally shown to the whites. Thus they robbed the negroes' houses and crops without compunction. The settlers, on their part, claimed that the natives had never lived on the island prior to the settlement but had established a village there afterwards solely as an argument in their claim for compensation for the land. Presumably the settlers were right, since no records or evidence of a previous permanent native occupation exist. Nevertheless, the Indians did use the island for hunting and fishing purposes and maintained that some of their people were buried there.⁶⁷

Several disturbing incidents occurred shortly after the settlers first arrived. Some of these did not involve the local Cowichan tribes at all but arose from the threatening habits of the more aggressive northern Indians. Having spent the winter in Victoria feasting and potlatching, these people frequently raided the outlying farms that lay in the paths of their homeward journeys.

July, 1860, saw the first really terrifying incident take place. This was the famous "Ganges Harbour Battle," between a large group of Cowichans encamped at the head of the bay and some dozen or more Indians from the north. Henry Lineker, acting as spokesman for the settlers in demanding adequate protection by the Government, described the event in a letter to Governor Douglas. He told how a party of twelve or more Bella Bella Indians on their way to Victoria had brought a white settler from the north end of the island to Ganges Harbour, where they were savagely attacked by the Cowichans and all but one slaughtered or taken prisoners.⁶⁸ The incident took place so close to Lineker's house that he sent his wife and family into the woods for safety, fearing that the Cowichans in their excited mood might turn on them. Fortunately, this did not occur, and, in fact, the Indians showed no animosity toward the white people. Governor Douglas, reporting the matter to London, stated:—

The latter [the settlers] though greatly alarmed suffered no molestation whatever from the Victorious Tribe, who, before leaving the settlement expressed the deepest regret for the affray, pleading in extenuation that they could not control their feelings, and begging that their conduct might not be represented to this government in an unfavourable light.⁶⁹

(67) R. C. Mayne, *Four Years in British Columbia and Vancouver Island*, London, 1862, p. 164 f.

(68) Henry Lineker to Douglas, July 9, 1860, MS., Archives of B.C.

(69) Douglas to Newcastle, January 8, 1861, MS., Archives of B.C.

Nevertheless, such affairs constituted something of a menace to the safety of the settlers, while the depredations of the natives going to and from their homes farther north were a constant source of friction and potential danger.

The need for a resident Justice of the Peace was raised by Rear-Admiral R. L. Baynes in his report to London concerning the Ganges Harbour battle. In defence of his remissness on this point, Governor Douglas pointed out that it was his policy to appoint Justices of the Peace "from the respectable class of Settlers, in compliment to them as well as with the view to economising the Public Revenue," and to pay them a nominal fee of £1 per day while in session. In the case of Saltspring Island, however, the Governor explained "none of the resident settlers . . . having either the status or intelligence to serve the public with advantage in the capacity of local justices, no appointment was simply for that reason made."⁷⁰ The Governor went on to state that he had seen no urgent cause to pay out £500 a year on the appointment of a regular Stipendiary Magistrate for the island, nor did he feel that a mere Justice of the Peace could have had any effect in preventing the Indian battle. On the contrary, he declared, interference by a lone official might have precipitated an attack on the white settlers. Nevertheless, he agreed that as soon as a suitable person could be found, he should be appointed to the position.⁷¹ But unfortunately two more murders and several robberies were to occur before determined efforts were made to accomplish this end.

On May 10, 1861, some twenty canoes of Haida Indians from the Queen Charlotte Islands landed near the northern settlement to camp for the night. Entering Jonathan Begg's storehouse, they stole blankets, provisions, and clothing. In the early hours of the morning they continued on their way. The gunboat H.M.S. *Forward* was ordered to seek out the ringleaders, and after a lively encounter the commander, Captain C. R. Robson, secured their arrest.⁷²

Savage hostility broke out in April, 1863, when a man named Brady and his companion, Henley, were attacked on a small island near Salt-spring Island. Henley survived the attack but Brady was badly wounded and died later.⁷³ This appeared to have been the work of the Lumal-

(70) *Ibid.*

(71) *Ibid.*

(72) *Victoria British Colonist*, May 15 and 22, 1861.

(73) *Ibid.*, April 9 and May 8, 1863.

chas, a group living on the islands immediately to the north of Saltspring. A few days later another tragedy took place. A German settler, Frederick Marks, travelling with his 15-year-old daughter, took shelter from a brief storm on Saturna Island. It was known that there were numerous canoes of Indians in the vicinity, and when the man and girl failed to appear, a search was instituted.⁷⁴ At the time the two bodies could not be found, but on the strength of information provided by other Indians, H.M.S. *Forward* was sent off in pursuit of the murderers. Their hiding-place proved to be not Saltspring Island, as many of the terrified settlers believed, but Kuper Island, still uncomfortably close on the other side of Houston Passage. There an open gun battle ensued between the *Forward* and the villagers.⁷⁵ For several weeks an uneasy atmosphere prevailed among the island settlers, but fortunately the Indians of Cowichan Bay and Chemainus took no part in the affair, and soon those encamped on Saltspring and Galiano Islands dispersed to their homes for the summer.

The murder of Marks and his daughter created a stir of indignation in Victoria and Nanaimo.⁷⁶ Governor Douglas could no longer put off the appointment of a Justice of the Peace and forthwith issued the following commission:—

To all whom these presents shall come or whom the same may concern:

GREETING

Know ye that reposing special confidence in the Integrity, Loyalty, and Ability of John Peter Mouat Biggs I do hereby constitute and appoint him the said John Peter Mouat Biggs to be Justice of the Peace in and for the District of Salt Spring Island, including the settlement of Chemainus—To have and to exercise within the District aforesaid all and every the powers appertaining and belonging to that office according to the Law during pleasure and for so doing this shall be his Commission.

In witness whereof I hereunto set my hand and the Public Seal of the Colony of Vancouver Island at Victoria in the said Colony this twelfth day of May A.D. 1863.⁷⁷

Major Biggs was certainly of the class of "respectable settlers" favoured by Douglas for public appointments. A man of means and education, he had purchased land at Chemainus following his retirement from twen-

(74) *Ibid.*, April 10 and May 6, 1863.

(75) Captain J. T. Walbran, *British Columbia Coast Names, 1592-1906*, Ottawa, 1909, p. 298.

(76) Victoria *British Colonist*, May 13, 1863.

(77) W. A. G. Young to J. P. M. Biggs, May 12, 1863, Correspondence of the Colonial Secretary's Department, MS., Archives of B.C.

ty-five years of military service in India.⁷⁸ Within a few days of his appointment, Major Biggs arrested an Indian, ostensibly for harbouring one of the murderers of the settler Marks and his daughter, but the episode had an air of official action taken for the sake of forestalling public censure, and, besides, Biggs was not a resident of the island, where, in the eyes of the settlers, the greatest need for a law official existed.⁷⁹

Spring after spring, when the Indians were moving from Victoria to their home villages, stopping on the way to gather roots and berries on their traditional preserves, complaints arose concerning their habit of thieving from farmers' crops.⁸⁰ But much more serious to the struggling settlers was the slaughter of their live stock. In March, 1867, John Maxwell reported five beeves missing in one month.⁸¹ The Indians were not always the culprits in these cases, since white cattle thieves were not by any means unknown. Nevertheless, the two groups often worked hand in glove, and the cry for retribution and law enforcement was directed generally against the native population.

In March, 1868, violence flared again. William Robinson, a coloured man living on the north-west side of the island, was found shot to death. The murderer had evidently fired from close range and had then proceeded to rifle the cabin.⁸² Eight months later a second murder took place in the same area. Giles Curtis, another negro, was found with a gunshot wound in his temple and his throat cut with a butcher knife.⁸³ The settlers, now thoroughly aroused, petitioned the Government to exercise some protective measures, pointing out that unless such incidents were stopped, it would be necessary for them to take the law into their own hands or else leave the island.⁸⁴ When a little later one of the settlers reported that while he and his family were walking around their farm, some Indians in a canoe had fired on them, the Government could no longer delay. Following a strong editorial in the *Victoria British Colonist* on April 13, 1869, John Morley, Justice of the Peace for Cowichan, arrested an Indian, presumably for the murder of William Robinson fifteen months earlier. Unfortunately, there were indications that

(78) *Victoria British Colonist*, May 13 and 22, 1863; October 24, 1864.

(79) *Ibid.*, May 22, 1863.

(80) *Ibid.*, March 12, 1864.

(81) *Ibid.*, March 27, 1867.

(82) *Ibid.*, March 24, 1868.

(83) *Ibid.*, December 21, 1868.

(84) *Ibid.*, December 25, 1868.

this again was a scapegoat arrest, and a number of protests against the man's conviction were lodged by reputable settlers and Indians.⁸⁵

Since the death of Robinson the Saltspring Island inhabitants had continued to press for the appointment of a resident official. Not only were the settlers themselves fearful of Indian reprisals, but such hired labour as there was refused to remain in the vulnerable districts. Louis Stark, the only settler remaining in the area where Robinson and Curtis had been murdered, wrote to J. W. Trutch, explaining that because of the threat of Indian trouble he had been forced to move his family and could no longer find men to work on his farm. He requested that his pre-emption rights be transferred to a piece of land on the north-east side of Ganges Harbour.⁸⁶ But the pleas of the settlers were of little avail. It was not until 1872, following Governmental reorganization arising from the entry of the colony into Canadian Confederation, that Henry Sampson became constable of Saltspring Island.⁸⁷ By this time, however, Indian depredations were becoming less serious, and within the next decade, as white settlement extended, they disappeared entirely from the southern part of the coast.

The unauthorized pre-emption scheme under which a majority of the original settlers on Saltspring Island took up their land was certain to cause more confusion when, on March 21, 1861, the limited pre-emption regulations of the previous month were extended to "the whole of Vancouver Island and its dependencies." This gave rise to the previously mentioned instructions of Governor Douglas to the Colonial Surveyor that he should decline to record any claims on the island or in the Chemainus district until adjustments had been made. Another grievance suffered by the bona fide settlers sprang from the fact that the original rule of "no occupation—no title" had not been impartially applied.⁸⁸ Moreover, pre-emptors who had left their claims with the genuine objective of earning money to stock their farms or to carry out improvements were in danger of being dispossessed or of having their claims jumped.

In July, 1861, Jonathan Begg complained to the Colonial Surveyor that many of the persons named as registered pre-emptors on the list published the previous May had deserted their claims or had taken up

(85) *Ibid.*, June 5, 7, and 30, and July 3, 1869.

(86) Louis Stark to J. W. Trutch, November 3, 1869, *MS.*, Archives of B.C.

(87) Minutes of the Executive Council of British Columbia, April 22, 1872, *MS.*, Archives of B.C.

(88) Jonathan Begg to Pemberton, July 25, 1861, Correspondence of the Lands and Works Department, *MS.*, Archives of B.C.

others and that many non-resident owners had merely erected log huts on their properties as token gestures and had left the island, contributing nothing to the community work of the settlements. Begg suggested the appointment of a resident land recorder to watch the claims and to grant permission to the owners to leave their holdings for temporary periods. He also suggested that a definite minimum acreage of land to be brought under cultivation should be established as a requisite to continued title.⁸⁹

There was definite need for some system whereby pre-emptors could take employment elsewhere in order to earn money to improve and pay for their acreage, but at the same time any such system tended to favour those absentee owners who had no intention of settling on the land permanently. Nevertheless, the Land Proclamation of 1862, besides consolidating the three proclamations of the previous year, broadened the non-occupation clause to allow pre-emptors who wished to leave their holding to put in licensed substitutes, the only stipulation being that no pre-emptor could act as a substitute for another pre-emptor.⁹⁰ On at least one occasion official action was taken following the infraction of this rule on Saltspring Island. Jacob Francis, who owned a pre-emption near the head of Fulford Harbour, obtained a licence for a substitute occupier. The substitute, however, soon tired of his undertaking and moved back to Victoria, whereupon Francis, during the temporary absence of the Colonial Surveyor, illegally obtained another licence in favour of H. W. Robinson, a neighbouring pre-emptor. When Pemberton returned and discovered this action, he immediately cancelled Francis's claim.⁹¹

As the election of 1863 drew near, the settlers, recalling the previous election embroilie, sent a number of letters to the Government asking that a Court of Revision be held on the list of qualified voters. According to the *British Colonist*, this Court of Revision, due to the lack of postal facilities, was almost as farcical as the plans for the election of 1860 had been. The Court was held at the farm of J. D. Cusheon, which had been uninhabited for over a year and was "just about the most inconvenient location that could have been selected." Since few of the settlers had been notified, no one attended the Court, and hence no changes were made in the voters list.⁹² When the elections were

(89) *Ibid.*

(90) Vancouver Island Land Proclamation, 1862.

(91) Pemberton to J. Francis, May 12, 1864, Correspondence of the Lands and Works Department, MS., Archives of B.C.

(92) Victoria *British Colonist*, April 2 and 9, 1863.

held in July, three men were nominated—G. E. Dennes, a Victoria solicitor; J. T. Pidwell, a Victoria merchant and secretary of the Horticultural Society; and Edward Mallandaine. Both Pidwell and Mallandaine were property-owners on the island, but when the vote went in favour of Dennes, Mallandaine decided to support him.⁹³ Dennes continued to represent Saltspring Island for the next three years. But in 1866, having gone into bankruptcy, he lost the seat and was replaced by Pidwell.⁹⁴ In 1864 a second revision of the voters list took place under more favourable circumstances. Mallandaine and several residents attended the Court of Revision, and a number of persons to whom objections were made were struck off the list, including Pidwell and three of his supporters. As revised, the list contained thirty-nine names.⁹⁵

By 1864 the *Victoria British Colonist* was able to report favourably on the progress of the island. The mail steamer *Fideliter* was making fairly regular runs to Vesuvius Bay; many of the settlers were having considerable success growing tobacco; the number of cattle had risen to more than 500; and two settlers by the names of Brian and Griffin reputedly possessed the largest nursery of fruit trees in the whole colony.⁹⁶

By this time the Government had set aside 100 acres near Central Settlement for school and other public purposes, and some aid had been given whereby the settlers were able to build a school-house.⁹⁷ This had been completed and a school was being conducted on a private basis by John C. Jones, one of the educated negroes on the island who held a first-class teaching certificate from the University of Ohio. In May, 1864, the residents of Ganges Settlement appealed to Governor Kennedy through Jones and another negro, Frederick D. Lester, to have the teacher's salary paid by the Government "there being 18 children between the ages of 5 and 16 years who are destitute of any opportunity of attending day school."⁹⁸ Although the Governor's reaction to the request was favourable, it was several years before this arrangement was

(93) *Ibid.*, July 29, 1863.

(94) *Ibid.*, April 24, 1866.

(95) *Ibid.*, June 7, 1864.

(96) *Ibid.*,

(97) Report of John Jessup, Superintendent of Education, to the Minister of Lands and Works, April 15, 1874, *MS.*, Archives of B.C.

(98) J. C. Jones and F. D. Lester to Kennedy, May 18, 1864, *MS.*, Archives of B.C.

concluded. For the next five years Jones continued to operate the school privately whenever he could find time to leave his farming labours, and in order to accommodate the few children at Begg's Settlement, he divided his time, making frequent trips to that community to hold school in an abandoned log cabin.

With the mail steamer calling at Vesuvius Bay and a rough road connecting that settlement with the farms south of St. Mary Lake, the complaints from these two districts lessened considerably. But the farmers at Begg's Settlement on the north-east shore were still isolated. In the spring of 1865 Dennes, in his capacity as member in the House of Assembly, obtained an audience with the Governor on behalf of Edward Mallandaine and Jonathan Begg, who came forward with the request that the steamer *Fideliter* should call at the north-east settlement as well as at Vesuvius Bay. It was pointed out that land communication across the intervening mountainous country was extremely difficult and that the hauling of produce to the wharf at Vesuvius Bay was well nigh an impossible task.⁹⁹ The Governor referred the problem to the Vancouver Coal Company at Nanaimo, whose representative suggested that a trail be cut from Begg's Settlement across the narrow northern tip of the island to the stone-quarries on Houston Channel, where the coal company's steamer could call on her way to and from Nanaimo. Further than this the Governor could promise little help, other than attempting to arrange for an extra trip by the *Fideliter* once a fortnight during the summer months.¹⁰⁰

From the beginnings of settlement the need for regular religious services had been keenly felt by many of the settlers, especially those with wives and children. From February, 1861, onward the island had been visited periodically by the Methodist missionary Rev. Ebenezer Robson. In his *diary* he gives the following interesting account of his first visit:—

Tues. 19. Left early in a canoe with 2 Indians for Salt Spring Island. Had a pleasant trip down. Was hailed when landing by a young man Graham alias Bits one of the settlers, who invited me to spend the night in his house. (Graham, Dumbraine, Dr. Jno. Hall)

Wed. 20. Last night we supped on clams and potatoes and this morning breakfasted on pancakes and bread. Visited all the houses on the East side of the Island 7 in all and when through with that took canoe and went around the south point into Ganges Harbour when after dark I came to the house of Mr. Lenneker [sic].

(99) Victoria British Colonist, March 9, 1865.

(100) Henry Wakeford to Dennes, March 28, 1865, Correspondence of the Colonial Secretary's Department, MS., Archives of B.C.

Thursday, 21 Feby 1861. After breakfasting at Mr L's I visited all the houses in the settlement save 3. There are in the settlement 21 houses on the same number of claims 4 of the houses are inhabited by white people and the remainder by coloured people. I preached in the house of a coloured man in the evening to about 20 persons all coloured except 3 and one of them is married to a coloured man. Went back to my lodgings after service which made about 18 miles walking during the day.

Friday 22. Left early and paddled against a strong wind till about 10½ a.m. when we rounded the southerly point and hoisted sail after about 2 hours sailing we came to an Indian house on Salt Spring Island and as our canoe was not sufficiently large to endure the gale we hired an Indian with a large canoe and took ours in tow [sic]. As soon as we had started from shore the wind which was very strong carried the canoe forward with such speed that it became unmanageable—the Indians could not keep it to its course and instead of running up the channel we ran across and were obliged to come to under the shelter of an Island. After a short rest we started again. The wind was blowing in a gale the Indian in charge of the canoe became terrified his squaw began crying, the sail was carried away from the mast and finally the owner of the canoe refused absolutely to go further. This was about 8 p.m. so we went on shore in the cove of an island and camped for the night. I supped on boiled herring & potatoes and lay down to sleep on a wet mat and covered myself with a shawl during the night the rain frequently awoke me by patterning down on my head.

Sat. 23. Early in the morning we took a very plain breakfast and then started with a high wind for Nanaimo when we arrived soon after 11 a.m.¹⁰¹

The following year the Church of England added Saltspring Island to Rev. R. L. Lowe's ecclesiastical district of Saanich, and at irregular intervals this clergyman visited the island whenever the opportunity arose.¹⁰² At such times church services were held on any opportune occasion and under any available shelter. The lack of communication between the farms prevented the settlers from forming a united congregation, and the desire was expressed for regular services at a definite place of worship. Rev. W. S. Reece, another Anglican clergyman to visit the island at a little later date, gives the following information:—

. . . held a Mission service which was well attended seeing that it occurred on a Wednesday, in the morning and with but little previous notice. There was a general expression of willingness on the part of the settlers to attend a weekday service rather than be without any at all, and many wished it were possible for the Church to take up ground on a Sunday and have some one resident among them . . . promised to visit them occasionally which I was enabled to do four times during the year.¹⁰³

(101) Ebenezer Robson *Diaries*, February 19 to 23, 1861, MS., Archives of B.C.

(102) *Columbia Mission Report*, 1861, London, n.d., p. 35.

(103) Report of Rev. W. S. Reece in *Columbia Mission Report*, 1867, London, n.d., p. 29.

In 1865 the Methodist Church took the matter in hand and directed Rev. Ebenezer Robson to hold services at Central Settlement school-house once a month. He was followed later by Rev. Thomas Crosby and Rev. E. White. Four years later the Church of England adopted the same practice and sent Rev. W. S. Reece, resident clergyman at Cowichan, to hold monthly services on the island.¹⁰⁴ None of these men were residents of the island, and it was at no little inconvenience, indeed often with hardship, that they continued to minister to the religious needs of the settlers in all seasons of the year.

Under the limited communication and transportation facilities of the period, the Saltspring Island settlers were far removed from the turmoil of events that continually stirred the capital of the colony. Yet these sleepy communities, with their pioneer farmers eking out a bare livelihood on the scattered areas of fertile ground and rocky brush-covered hillsides, reflected the changing circumstances of the passing years. Their fortunes rose and fell, though less noticeably, with those of Victoria, Nanaimo, and the Fraser River towns. They felt the rush to the Cariboo and to the Big Bend on the Columbia in the desertion of their less determined inhabitants and the arrival of new immigrants to take up the abandoned claims. At one time during the Cariboo "rush" the name of the island was commemorated in Salt Spring Creek, far in the Interior, where the five men—H. Elliot, William Senior, John Lee, Robert Leech, and E. Williams—who once worked the stone-quarries at Vesuvius Bay gambled on the lure of gold.¹⁰⁵ The islanders felt the pinch of the depression that caught the colonies after the decline of the Cariboo diggings. Their representative followed Amor de Cosmos in favouring an immediate union with British Columbia.¹⁰⁶ When the times became more stringent and debate waxed hot and heavy on the subject of Confederation, they sent Mifflin W. Gibbs, the outstanding negro of the colony and a member of the executive of the Confederation League, to represent them at the Yale Convention of 1868.¹⁰⁷ In 1869 they gave an overwhelming majority of votes to De Cosmos in his fight against Robert Lowe on the same issue.¹⁰⁸

(104) E. F. Wilson, *Salt Spring Island, British Columbia*, Victoria, 1895, p. 23.

(105) *Victoria British Colonist*, August 6, 1861.

(106) *Ibid.*, January 26, 1865.

(107) *Ibid.*, September 9, 1868. See also Mifflin W. Gibbs, *Shadow and light, an autobiography . . .*, Washington, D.C., 1902, pp. 59-111 *passim*.

(108) *Victoria British Colonist*, November 17 and December 3, 1869.

Under the reorganization of the Government following Confederation, Saltspring Island became part of the Electoral District of Cowichan, to which were allotted two members. The island's first representative was John Patton Booth, one of the original settlers and one of the more vocal inhabitants. One of his first acts on behalf of his constituency was to reply to a circular letter from the Provincial Secretary asking for information as to the monetary requirements of his district. Booth's demands were modest. He asked for \$1,000 "to make a road connecting the different settlements together; some portions of the inhabitants being entirely debarred from all use of the steamer as a means of conveying freight for want of a road," and another \$1,000 "for school purposes, two schools being required to accommodate the children on this island."¹⁰⁹

The problem of road connections had indeed been a thorn in the side of the settlers from the beginning. Booth's reply indicates that in twelve years of occupation relatively little had been accomplished toward providing the means whereby the individual holdings might have been knitted into a communal whole. Following the passage of the "Road Act" of 1860, Jonathan Begg, J. D. Cusheon, and John Tait had been appointed Road Commissioners.¹¹⁰ According to the Act every male resident above 18 years of age and every person who held any landed interest within a road district—any area containing twenty-four land-holders—was bound to perform six days' labour on the public highways. Residents who possessed working-horses or oxen and carts were to supply these for two days a year.¹¹¹ Complaints from the settlers indicate that the regulations had not been applied strictly to the non-resident owners. This left the burden of the work on the local farmers. Moreover, many of the less fortunate settlers were hard-pressed to make ends meet, let alone improve their holdings or to set funds aside to cover the eventual pre-emption payments. In 1862 Begg wrote to Governor Douglas pointing out that much as a few leading roads were needed, the most of the settlers were too poor to be able to devote their time to road-making, and in consequence he suggested that the Commissioners be empowered to open such roads as were most urgently required by

(109) J. P. Booth to A. Rocke Robertson, December 15, 1871, MS., Archives of B.C.

(110) Jonathan Begg to W. A. G. Young, November 19, 1862, MS., Archives of B.C.

(111) "Road Act, 1860," *Vancouver Island Laws*.

allowing the settlers to make payments on their land-holdings by working on the roads.¹¹² Six months later Begg again wrote to the Governor stating that since neither of his colleagues had been residents of the island for the past year, the Commission had not functioned and no road work had been accomplished.¹¹³ At his suggestion, Cusheon and Tait were replaced by Edward Walker and John Booth.¹¹⁴ However, his former suggestion regarding payment to the settlers for their road work seems to have been quietly ignored.

At the best of times there seems to have been a certain amount of mutual distrust between the different communities of settlers on the island, and the question of roads always brought to light diverse opinions, which increased the distrust and at times created an atmosphere of open hostility. Although racial antagonism as such did not flourish on the island, the needs of the coloured people were sometimes resented or brushed aside by the rest of the inhabitants. Some indication of this is shown in a complaint addressed to the Chief Commissioner of Land and Works, J. W. Trutch, by Louis Stark, a hard-working negro and one of the original settlers. Stark needed a road from his farm on the north-east side of Ganges Harbour to the Central Settlement school-house, where he could connect with the road leading to the boat-landing at Vesuvius Bay. By his own efforts he had made a road of 2 miles, but could go no farther without permission to cross the claims of Armstead Buckner and John Norton. Another mile and a half of road would have taken him to the boat-landing.¹¹⁵

B. W. Pearse, the Acting Commissioner of Lands and Works, instructed the road foreman at Cowichan, M. M. Titus, to lay out the necessary right-of-way, making an agreement with Stark for the latter to fell the timber. This Stark did, completing the work on a Saturday. Although expressly forbidden to carry out road work on Sunday, some of the settlers, during church service, decided to proceed with the road, but instead of carrying it all the way on the agreed line, they took it only part of the way to within half a mile of the school, at which point they forsook the line and carried the road to a barn belonging to one of the

(112) Jonathan Begg to Governor Douglas, May 5, 1862, *MS.*, Archives of B.C.

(113) Jonathan Begg to W. A. G. Young, November 19, 1862, *MS.*, Archives of B.C.

(114) W. A. G. Young to Edward Walker, November 28, 1862; W. A. G. Young to Jonathan Begg, November 28, 1862, *MS.*, Archives of B.C.

(115) Louis Stark to B. W. Pearse, September 15, 1870, *MS.*, Archives of B.C.

settlers who already had a road to his house. Stark's letter explaining the situation to Trutch strikes a pathetic note as it relates the events:—
 This Sunday business was all done and dated Monday and now I am called on to acknowledge an agreement that I had nothing to do with or loose the work that is done. This road does not come to the mouth of the boat road by fifty yards. . . . I beg leave sir to make my grateful acknowledgement to you, and Mr. Pearce for having done that which was fair and right so fair as you knew and if I loose my labour predegerdis and unfair play is the cause and that too bad to describe. The Sunday party road is a half moon circle from creek to the bairn that is the road that I refused to cut it would be madness in me to ask government to cut such a road as that. A central road is all that we ask for and let us make little roads and pigtrails to come to it by our own labour.¹¹⁶

Fortunately, instances such as the above occurred quite infrequently.

On the other hand, the conflict which boiled to the surface at the time an attempt was made to unify the island communities under a Municipal Council cut across colour lines, involving instead the prejudices and animosities of men and women, few of whom had any coherent plans for the future of their island home but who held widely divergent views as to what constituted the minimum needs of the settlements in the matter of public works. With the weight of debt lifted from the colony by its entry into Confederation, a number of the residents of Salt Spring Island felt that larger things were in store for the island. In 1869 a local Board of School Trustees had been formed, consisting of John Booth, Abraham Copeland, and Thomas Griffiths. On their petition the Central Settlement school had been taken over by the Government, with an annual salary of \$500 granted to John C. Jones, the coloured teacher.¹¹⁷ Burgoine Bay had become a thriving settlement, and for several years two partners—John Maxwell and James Lunney—had been shipping better than twenty head of cattle per month to Victoria.¹¹⁸ As a great need existed for a loading-wharf, these two men agreed to give up 3 acres of their land for that purpose, providing that the Government would grant it to a group of trustees for the mutual benefit of the settlers. When the scheme was approved, Thomas Williams, John Maxwell, and Frederick Foord became trustees of the wharf property.¹¹⁹ J. C. Sparrow had also shown his community spirit

(116) Louis Stark to J. W. Trutch, December 22, 1870, MS., Archives of B.C.

(117) J. P. Booth and others to P. Hankin, October 26, 1869, MS., Archives of B.C.

(118) John Maxwell and James Lunney to B. W. Pearse, June 18, 1868, MS., Archives of B.C.

(119) Thomas Williams to B. W. Pearse, July 7, 1871, MS., Archives of B.C.

by giving up an acre of his land on which to erect, with Government aid, a school for the twenty-one children of the settlement.¹²⁰

In the opinion of several of the more ambitious settlers the time had come for the island to be incorporated as a municipality, and a petition was dispatched to the Government asking that Letters Patent be issued.¹²¹ Since the petition was endorsed by the necessary two-thirds of the male freeholders, the request was granted, and, consequently, the *Government Gazette* of January 4, 1873, carried the notice of incorporation, which read in part:—

The said Municipality shall be called and known by the name and style of "The Corporation of the Township of Salt Spring Island."

The said Municipality shall comprise all that parcel of land known as Salt Spring Island.

The Council shall consist of Seven Councillors.¹²²

Ten days later the municipal elections were held, with the following results:—

T. C. Parry, Warden. Frederick Foord, Treasurer.

Henry W. Robinson, Clerk. Joseph Akerman, Assessor.

Charles McDonald, Collector. J. C. Crane.

John C. Jones.¹²³

The first Council meeting was held on January 30, 1873,¹²⁴ and some time later a set of municipal by-laws was drawn up.¹²⁵

During the next year the incorporation of the island brought to light a radical division of the island residents. On the one hand, there were the typical pioneer farmers, independent, self-sufficient, and, for the most part, lacking formal education, who had no wish to be organized, preferring to cultivate their wilderness farms in relative solitude and seeking no more Government gifts than a road or two to give them access to markets. Their attitude was, to a large extent, summed up in that portion of Louis Stark's letter previously mentioned: "A sentinel road is all that we ask for and let us make little roads and pigtrails to come to it by our own labour." On the other hand, there were the more

(120) Report of John Jessup, Superintendent of Education, to the Minister of Lands and Works, April 15, 1874, *MS.*, Archives of B.C.

(121) Minutes of the Executive Council of British Columbia, September 18, 1872, *MS.*, Archives of B.C.

(122) *British Columbia Government Gazette*, January 4, 1873.

(123) *Victoria Colonist*, January 16, 1873.

(124) *Ibid.*

(125) Letters and Papers referring to Saltspring Island, *MS.*, Archives of B.C. Certain of the early by-laws are reproduced in an appendix to this article.

ambitious settlers, sincere, if too hopeful, in their desire to forward the rapid development of the communities. Their plans for the future of the island included the establishment of themselves in positions of authority and local eminence.

Within a year of the proclamation of the incorporation a petition was addressed to the Legislative Assembly asking that the Letters Patent be cancelled.¹²⁶ The protest seems to have been led by two brothers, E. and H. Pimbury, who had come from England to take up a large tract of land in the vicinity of Mount Tuam, remote from the other settlements. In a letter to the *Victoria Colonist*, a "well-wisher" of the municipality accused those leading the movement for incorporation of having obtained the signatures of many of the settlers who were unable to read and who consequently were unaware of the implications of the petition.¹²⁷ This accusation does not seem to have been entirely justified, although it is true that most of the less educated settlers appear to have sided with those opposing the actions of the Municipal Council. The objections to incorporation were outlined in two other letters to the newspaper—one a anonymous contribution and the other signed by Daniel O'Connell. In the latter the Councillors were referred to as "would-be statesmen" and "New York Tweeds." The anonymous writer stated that already, within a year, the Council had incurred a debt of \$300 "which must be paid by about thirty poor settlers—the remainder having little or no property to tax."¹²⁸ Daniel O'Connell's letter went on to say:

I must allow we fear taxes, but there are seven men here who don't [presumably the Councillors], a very good reason why, for they have little or nothing to tax. If municipal laws are allowed to continue on Salt Spring it will make a bad state of affairs, for they are squandering in all directions and worse than all, they have run the island into debt . . . and as the seven say they have nothing to tax the burden must fall on the ones who have.¹²⁹

It is difficult to tell where justifiable condemnation ends and mere jealous bickering begins. The greatest objection was directed against the action of the Councillors in passing by-laws to remunerate their own offices. E. Pimbury sent a letter to the Lieutenant-Governor in January, 1874, which included documents signed by Theodore Trage, H. Spiekerman, William Walsh, Michael Gyves, John Cairns, and John Maxwell,

(126) *Victoria Colonist*, December 25, 1873.

(127) *Ibid.*, January 17, 1874.

(128) *Ibid.*, February 5, 1874.

(129) *Ibid.*, February 15, 1874.

charging the Councillors with violating the "Municipal Act" of 1872.¹³⁰ The letter was referred to the Attorney-General, and the complainants were advised to take the matter to the Supreme Court of the Province,¹³¹ but this course of action was evidently beyond the means of the protesting group, and for the next seven years municipal affairs on the island went on in a state of watchful hostility.

Following the municipal elections of 1881, the hostility took an active form. Some nineteen settlers from the Burgoine Bay-Fulford Harbour district banded together and at a cost of more than \$100 brought suit against Henry W. Robinson, the Council Clerk and Returning Officer, and his two associates, Charles Horrel and Henry Rogers, for malpractice during the election. It is significant that none of the defendants appeared in Court and no effort was made to contest the suit. As a result, the election was declared null and void, and the Returning Officer was charged with the costs.¹³² Amidst the petty jealousies, heated tempers, and flying accusations and recriminations the protesting settlers appeared to have had the weight of justice on their side. The decision of Mr. Justice J. H. Gray in the matter of the election suit helped to place their case in a more favourable light.

One month later the nineteen settlers laid the whole affair before the Lieutenant-Governor in Council in a petition which condemned the behaviour of the Justice of the Peace, Frederick Foord, and the Clerk of the Municipal Council, Henry W. Robinson. It was claimed, among other things, that they had run the municipal affairs almost entirely by themselves; that they had kept the accounts of financial matters from the knowledge of the taxpayers; and that they had committed many irregularities during the election, including common assault.¹³³ Foord's report to the Lieutenant-Governor denied the accusations and stated that his position as Justice of the Peace had no connection with his position as a Councillor. He, in turn, accused the petitioners of perjury

(130) E. Pimbury to J. W. Trutch, January 15, 1874, MS., Archives of B.C. The protesting settlers appear to have confused one of the disqualifying conditions referring to Municipal Councillors, i.e., "being in receipt of any allowance from the Municipality," with the legal right of the Council to pass by-laws establishing their own stipends as provided in sections 8 and 12 of the "Municipal Act" of 1872. Another complaint that the municipal area had not been divided into wards had more justification.

(131) *Ibid.*

(132) *Victoria Colonist*, April 22, 1882.

(133) *Ibid.*, May 28, 1882.

during the election suit and of not attending any of the Council meetings. Further, he claimed that the whole disturbance was the result of the settlers attempting to escape taxation, and he labelled the Pimbury brothers as the chief instigators.¹³⁴

The Government of the day took no action in the matter, apparently hoping that the furore would subside in due course.¹³⁵ But a year later it erupted again; this time with the charges directed against the Reeve, John P. Booth, for retaining his position without election when no others were nominated to oppose him and for being a "puppet" of the Councillors who had continued to function in office despite the absolute refusal of the settlers to have anything to do with them.¹³⁶ The feelings of most of the island inhabitants were probably best expressed in a letter to the *Victoria Colonist* in February, 1883:—

There is no doubt that we have forfeited our municipal charter by neglecting to comply with the law; and the general feeling seems to be that we are well rid of what has been a great source of trouble and ill-feeling.¹³⁷

John Booth himself, in a letter to the Premier, William Smithe, wrote in much the same vein:—

I believe Mrs. Booth informed you of the mess we have got into here as regards our municipal Council. . . . There seems to be an impression among some of the people here that you are going to wind the whole thing up and do away with it altogether. Should you have any such intentions and can see your way clear to do so, I do not think any one will object, providing the government take charge of and keep in order our wharves and roads. Our two wharves are in a dangerous condition at present, and if not attended to before long will probably fall. . . .

(134) Frederick Foord to the Executive Council, n.d., "In Answer to Petition of Settlers of Burgoine Bay"; in Letters and Papers referring to Saltspring Island, MS., Archives of B.C.

(135) The *Victoria Colonist* seized this opportunity to denounce roundly what it evidently felt pleased to consider as Government connivance in an obviously unlawful situation, heading its news report "Reign of Terror on Salt Spring Island" and declaring editorially: ". . . Justice need not be expected from the existing government. But their time is happily growing very very short, and when the People shall have reasserted their rights, how the feathers of the birds of prey will fly!" *Victoria Colonist*, May 28, 1882.

(136) *Ibid.*, February 13 and April 10, 1883. Following Mr. Justice Gray's decision that the 1881 election was null and void, a second election had been held at which there was no contest, a majority of the settlers apparently refusing either to vote or to put up opposing candidates for the Council. The result of the fiasco was that the Reeve, John Booth, and the former Councillors continued to discharge their duties. *Victoria Standard*, April 2, 1883.

(137) *Victoria Colonist*, February 13, 1883.

Please give the matter your serious consideration as soon as possible because it we have to start things running again there is no time to lose.¹³⁸

The impression among the people proved to be correct. On May 12, 1883, assent was given to an Act passed by the Provincial Legislature "to Annul the Letters Patent establishing a Municipality on Salt Spring Island."

Whereas it has been found that the working out of the municipal system on Salt Spring Island, under the present Letters Patent, is impracticable: And whereas no application to surrender such Letters Patent has or can be made, and it is expedient to cancel the said Letters Patent:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Letters Patent bearing date the 23rd day of December, A.D. 1872, creating the Corporation of the Township of Salt Spring Island shall be and are hereby cancelled, and the said Corporation dissolved from the date of the passing of this Act. . . .¹³⁹

Thus ended Saltspring Island's experiment in managing its own affairs. The time had not been ripe—communal unity on the island had not been sufficiently developed for such an enterprise to be successful. Lethargy, plus resentment of any local authority, on the one hand, and the overly ambitious designs of the Councillors with their impolitic disregard for the feelings of the settlers, on the other hand, had frustrated what might have been a creditable attempt at municipal independence.

A. F. FLUCKE.

TORONTO, ONT.

(138) John P. Booth to William Smithe, January 26, 1883, as reproduced in the *Victoria Colonist*, April 3, 1883, with a covering letter by the Premier indicating that he had Booth's consent to publication of the letter.

(139) Vict. 46, Chap. 22, *Statutes of the Province of British Columbia* . . . , 1883, Victoria, 1883, p. 89.

APPENDIX

A COPY OF SALT SPRING ISLAND MUNICIPAL BY LAWS⁽¹⁴⁰⁾

Road Committees

Resolved that standing Committees on roads shall be made and their duty shall extend through the whole Municipal year, and it shall be their duty to inspect and report to the Council where money is required to be laid out, and the probable amount and one Inspector, shall be on each committee to be chosen by the Council.

Pay of Officers

And that the pay of Officers and Committee men be defined as follows, Clerk two seventy five per day, \$2.75. Road Master two dollars seventy five cents per day, \$2.75. Road Inspector two dollars seventy five cents per day \$2.75. Committee men two dollars seventy five cents per day \$2.75. Road men two dollars twenty five cents per day \$2.25.

No road Overseer shall be entitled to more than two twenty five per day \$2.25 the same as other men when working less than four men. Or three men and team. And that a man and his team receive the amount of four dollars per day \$4.00. And that the Council shall not be responsible for any damage.

By Law pertaining to Bulls

For the improvement of Cattle it shall not be lawful for any Bull to run at large during the Months of April May and June of each year, any person violating this By Law shall be fined five dollars for every offence.

By Laws on outside road committees

It shall be the duty of the Road Inspector from time to time to call public meetings in their respective districts ten days notice being given of such meetings at which they shall cause two persons other than members of the Council to be selected who shall, in connection with the Road Inspector, constitute a committee to determine what portions of the different roads most urgently need repair and the probable cost of the same.

The Inspector shall be exofficio Chairman of the Committee on Road Inspection and shall duly report the result of its inspection to the Council.

In case of disagreement between the Inspector and the other two Committeemen the matter in dispute shall be referred to the Council before proceeding with the work.

License By Law

No person or persons within this Municipality selling or tradeing [sic] with goods, wares, merchandise or vending Liquors without a License shall pay a fine of not less than ten dollars, or

(140) This undated copy is endorsed by H. W. Robinson, Clerk, and Thos. C. Parry, Warden, and bears the official seal of "Salt Spring Island Municipality," and is to be found in Letters and Papers referring to Saltspring Island, MS., Archives of B.C.

**By Law
on public
places**

more than twenty five dollars, for each and every offence to be recovered in a summary way before a Justice of the Peace.

There shall be Public places in this Municipality Known as Follows. Borgoyne [sic] Bay School House, and Borgoyne [sic] Bay Wharf, Central School House, and Vesuvius Bay Wharf, and at Begg Settlement School House, and that a Bulletin Board shall be placed at each Public place for to post Municipal notices. Any person or persons tearing down or defacing any public notice shall on conviction incur the penalty of not more than twenty five dollars fine, to be recovered in a summary way before a Justice of the Peace.

**By Law
on Horses**

Resolved that Entire Horses shall be kept up any person violating this By Law shall be fined five dollars for every offence.

STATUTE LABOR BY LAW OF SALT SPRING MUNICIPALITY¹⁴¹

Whereas it is expedient that the provision for calling out the Statute Labor as provided in the municipal amendment Act of 1879 shall be put in force in the Municipality of Salt Spring Island

It is hereby enacted

- Clause 1st.** That every person over eighteen years of age resident within the municipality of Salt Spring Island shall be liable for two days work annually.
- 2nd.** For the purpose of this Act the Municipality shall be divided into six districts

To Wit

- A. All that portion known as the North Settlement shall form one district and be known as district No. One.
- B. From the boundary of No. One to the divide on Otter Range shall form one district and be known as No. Two.
- C. From the divide to the junction shall form one district and be known as district No. Three.
- D. From Burgoyne Bay Wharf to Fulford Harbour shall form one district and be known as district No. Four.
- E. From Fulford Harbour to Beaver Point shall form one district and be known as district No. Five.
- F. All that portion of the Municipality facing Cowichan Bay having an outlet at the Wharf situated near the Messrs. Pimburys shall form one district and be known as district No. Six.

(141) This undated copy is endorsed by John P. Booth, Warden, and Henry W. Robinson, Clerk, and also bears the official seal of the municipality. *Ibid.*

