

Governor Musgrave and Confederation

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In my paper last year I sketched the connection of Governor Seymour with the Confederation movement in British Columbia, showing that the Legislative Council, when the subject was first introduced in 1867, was unanimously in its favour; that before the opening of the session of 1868 the opinion of all the "official" and of certain of the "popular" members had cooled into apathy and indifference, (if no worse), which in the following year developed into downright opposition; and that the Governor was regarded, and rightly regarded, as the person mainly responsible for this altered attitude.

Seymour died on board H.M.S. *Sparrowhawk* at Bella Coola on 10th June, 1869. The news reached Victoria on the 14th and was immediately transmitted to Downing Street. The next day a notification was received from Lord Granville that Anthony Musgrave would be appointed in his stead. This unusual celerity was only indirectly connected with the late Governor's views on Confederation; Seymour, who was in poor health, had applied for leave of absence, and Musgrave had, in accordance with Sir John A. Macdonald's wish, been fixed upon as his successor.¹

Musgrave was appointed 16th June, 1869. The official intimation of his appointment, dated the following day, contained this sentence: "I shall have occasion to address you on the question now in agitation of the incorporation of British Columbia with the Dominion of Canada." In pursuance of this intention Lord Granville, on 14th August, 1869, dealt with the subject in a lengthy despatch. "The question," he said, "therefore presents itself, whether this single colony should be excluded from the great body politic which is thus forming itself. On this question the colony itself does not appear to be unanimous. But as far as I can judge from the despatches which have reached me, I should conjecture that the prevailing opinion was in favour of union. I have no hesitation in stating that such is also the opinion of Her Majesty's Government." After marshalling the arguments in favour of Confederation he announced that he felt "bound on an occasion like the present to give for the consideration of the community and the guidance of Her

Majesty's servants a more unreserved expression of their wishes and judgment than might be elsewhere fitting." He requested that publicity be given to his despatch and authorized Musgrave to take such steps as he properly and constitutionally could for promoting the favourable consideration of the matter. In conclusion he added that the details must be settled by the people, but that the Governor should himself enter upon, amongst other things, the question of the future position of Government servants.²

The Secretary of State here puts his finger upon two facts: first, that, though Seymour had neglected to apprise the Colonial Office of the views of the colonists upon Confederation, the Home Authorities were aware, doubtless through the Dominion Government,³ that the change was favoured by the Colony as a whole; and secondly, that the official members of the Legislative Council were the obstruction to the formal expression of that opinion.

Probably because of his work in Newfoundland, and, perhaps, for other reasons, the *Colonist*, as soon as the appointment was announced, said editorially: "There is no reason to doubt that Mr. Musgrave's mission is to steer British Columbia into the union. His task will be comparatively easy."⁴

The Governor arrived in Victoria on 23rd August, 1869. The hour had now come, and the man. The intervening territory had become a portion of Canada; the Dominion Government was anxious to add British Columbia to the union; the Imperial Government desired to see the change effected immediately; the people of the Colony were, speaking generally, in favour of Confederation; the pilot had stepped aboard.

After two weeks spent in social functions at the capital and in recuperating after his long voyage, Musgrave set out to visit the scattered communities of the mainland. The addresses presented to him dealt in every instance with the great question, unanimously declaring that the Colony was in favour of union on fair and equitable terms and expressing the hope that he might be the means to bring about the desired change. As soon as this general feeling was manifested he felt himself at liberty to publish the despatch from the Colonial Office expressing the desire of the Imperial Government.

The press of the Colony urged the people to abandon the discussion of the wisdom, or otherwise, of Confederation, and, accepting it as their destiny, to centre their attention upon the terms. As the *Colonist* put it: "Whatever may be asserted to the contrary there would appear to be no good reason for doubting that there is a very general desire throughout the Colony for a constitutional change,

and that, as most people are convinced that Confederation is the destiny of the Colony, so most people are prepared to enter into the Dominion on terms fair and reasonable. Such being the general conviction and desire, what is to be gained by continuing longer to put off the work of considering the terms? Every month that passes brings us just so much nearer the possibility of being handed over upon terms arranged for us, not by us." ⁵

Members of the Dominion Government were in constant communication with the supporters of Confederation, who took every opportunity of circulating statements of that Government's supposed views upon the subject. To quote one instance: "As a leading Cabinet Minister recently said in a letter to a correspondent in this Colony, 'Canada expects to lose money for some years by the admission of British Columbia and is prepared to deal liberally with her.'" ⁶ Musgrave soon found that this ill-advised course was only increasing his difficulties. In a despatch to the Colonial Office, dated 30th October, 1869, he refers to the seeming disrespect to the Legislative Council in his publication of the Secretary of State's letter of 14th August, 1869, before presenting it to that body, but justifies his conduct by saying that he has "reason to believe that the substance of that despatch has already been communicated to unofficial persons here by others in Canada to whom it had become officially known." He goes on to say: "There is some little irritation at the manner in which, it is supposed, persons in official authority in Canada endeavour to work in favour of the project through private correspondence with individuals here who have no official status and little social influence." ⁷

After two months' study of the position in the Colony the Governor felt himself able to report on the state of public opinion on the question. He found it entangled with other matters, as, for instance, Responsible Government and a Free Port at Victoria. The Canadian-born residents were the mainstay of the movement; with them were associated many persons who wished, not so much the advent of union with Canada, as to obtain one or other of these objects; to them were added others who saw in the proposed change an improvement of their position by the relief it would afford from the grievous financial burden that the Colony was carrying. The large element of alien population favoured annexation to the United States. The immigrants from Great Britain were somewhat apathetic. The officials were opposed to the change, but he soon discovered that their attitude was based, as their opponents declared, on their fear for the safety of their positions under the new regime and hence if

their obstruction could be overcome the great question would be the terms.⁸

In an early despatch in which he deals very generally with the subject for the purpose of showing the divergent influences operating to support the movement, and the resultant difficulty in framing terms to suit all shades of thought, Governor Musgrave points out that to some, Confederation meant the tariff question; to others freedom from debt and improved financial condition; to others, Responsible Government; to others, a Free Port.⁹ The problem to be solved was: granting that the opposition of the official members of the Legislative Council could be overcome, how to prepare a proposal for union which should include such terms as the majority of the colonists would accept and at the same time be acceptable to the Dominion Government. On two terms he found unanimity in the Colony; they offered safe starting points. All the people—Confederationists and anti-Confederationists alike—were agreed that if union were to be consummated, an indispensable condition was adequate overland communication, which, being interpreted, meant a railway to connect the Pacific seaboard with the eastern provinces. DeCosmos' original plan of 1868 had only called for a wagon road; the Yale Convention of 1868 had not dared to go further than a request for a wagon road; and, though in the public mind the thought of a railroad had taken root, yet no one in an official position had yet had the hardihood to suggest a railway as a term. The absorption of the heavy colonial debt by Canada and special financial treatment were conditions upon which all insisted. The difference of opinion here lay in the quantum of the grant. The Free Port question offered greater difficulty; true, it was only asked for by Victoria, but practically one half of the population was resident there. The term, that from the outset promised most trouble, was Responsible Government. The struggle with the Legislative Council in the days of Governor Seymour had raised many advocates of Responsible Government who would not be placated with any suggestion of Representative Government. These two terms Governor Musgrave at the outset opposed. "When the leaders find," he writes, "that neither Responsible Government nor a stipulation for a Free Port can reasonably be made part of the programme, I am strongly of opinion that there will be much abatement of present enthusiasm."¹⁰

Confederation thus had two facets: Is it desirable? If so, what shall be the terms? Continued existence as a Crown Colony was quite impossible; the burden of the existing debt, the decreasing population, the gradual waning of the only real industry—gold mining,

and the accumulation of annually recurring deficits settled that question. The choice was, therefore: annexation or confederation. In reality this was no choice. At heart the Colony, though grievously complaining of its treatment by the mother land, was always loyal. The annexationists were practically confined to the vicinity of Victoria. As the strength of this faction lay in the American element, the limiting of the suffrage to British subjects would, if resorted to, draw its fangs. The publication of Lord Granville's despatch of 14th August, 1869, solidified the general sentiment in favour of Confederation. The *Colonist* hailed with delight the news that the Right Reverend Bishop Hills had delivered an address in support of Confederation.¹¹

The great stumbling block in obtaining a favourable decision of the Legislative Council lay in the officials, who, having been appointed by Governor Seymour in 1868 as members, were in a position to prevent such a result. Even if new magistrates were selected by Governor Musgrave, there were still five officials, to wit, the members of the Executive Council, who held their seats by virtue of the Imperial Order-in-Council.¹² And, in any event, the magistrates had been appointed, subject to the Crown's pleasure, for two years. Possibly some drastic alteration of the personnel of the magisterial members might have been made to secure the passage of a resolution in favour of Confederation; but such a course, objectionable from many points of view, would have delayed the project for nearly two years. Recognizing the situation, the Governor proceeded to obtain the support of the fourteen officials by the promise of suitable pensions to all those whose positions or emoluments would be affected by the union.¹³ I shall allow the nine magistrates to state the case for themselves. "That without their votes that measure (Confederation) could not have been passed; that they were led to vote for that measure solely at the instance of the then Governor, Mr. Musgrave, on the distinct and repeated assurance from him as the representative of the Queen, that under the terms of Confederation they would be placed in the permanent service of the Dominion Government as County Court Judges and be totally independent of and without the control of the Provincial Government."¹⁴ The stipulation for pensions for the officials was made a term of union, and in a lengthy despatch, dated 17th November, 1870, Musgrave discussed in detail the circumstances of each official.¹⁵ These facts are mentioned somewhat out of the chronological sequence to show the meticulous care with which all phases of the matter were considered by the Governor.

The complaint against Governor Seymour had been that he was indifferent, and, later, that he was passively, if not actively, hostile to the movement; the fear now arose that his successor might be carried away by his zeal for the cause of Confederation. It was a modern version of the fable of King Log and King Stork.

The *Colonist* soon gave voice to this apprehension. Confederation, it stated, was nearer than some people thought. Then, passing to the question of terms, it proceeded: "In truth there is no time to be lost. Unless the people make their voice heard now it may be too late. The whole matter will be negotiated by those who neither understand our wants nor possess feelings in common with the people. We would desire to avoid being misunderstood here. The Governor is, under all the circumstances, probably the most suitable and best qualified person to negotiate on the part of the Colony. It is not to that that we object, but it is to his being allowed to carry those negotiations beyond a certain point without giving the people an opportunity of being heard. If the main conditions are all arranged first, and the people consulted afterwards, as to mere matters of detail, as is plainly intimated in the despatch, we know what to expect."¹⁶

The impression prevailed in the Colony that the Governor was opposed to the Free Port, Responsible Government, and the Railway. The Free Port, if granted, would be of merely local benefit; its agitation in a colony whose constituent members—*island and mainland*—had been forcibly joined only three years before, and between which no real fusion yet existed, tended to raise half-buried local jealousies; moreover, the Free Trade policy, which had existed in the olden days of the Colony of Vancouver Island, had been somewhat trenched upon from financial necessity, and in the end its fragments had been voluntarily jettisoned in order to secure the union of the two colonies in 1866. The Governor took a firm stand in opposition to this proposed term. "Victoria," he said, "has never had, has not now, and is not likely to have for many years to come, any export trade to other places which could render it a substantial good to the Colony to establish a Free Port. It is admitted with almost unblushing readiness that abolition of all duties and port charges is desired for the facility which was formerly afforded for smuggling into the United States."¹⁷ Responsible Government was a subject upon which the Colony was somewhat divided. Had Governor Seymour been a strong man, able to act firmly and capably at the time of union in 1866 and during the subsequent years of depression, the issue would probably not have come into being, or

at any rate would scarcely have been heard. The *Colonist*, which championed this cause, admitted that "a large and influential class thought the country not yet prepared for this constitutional change." "But," continued the editor, "who are they? The governing classes—those who appear to have got the idea into their heads that they were born to rule. Who made them a ruler over us? The Colonial Office."¹⁸ Governor Musgrave, on this question as on all others, spoke out plainly; he had none of the enigmatic language of his predecessor. In his view a Legislative Council in which the elected members were in the majority was the proper form of the law-making body. How great that majority should be he did not, at the outset, indicate. The resolution of 1868 had requested Governor Seymour to reconstitute the Council on the basis of two-thirds popular and one-third official;¹⁹ but on that question, as on all others of importance, Seymour, even with his five years' experience in the Colony, had not been able "to see his way clear." "I must at once state," said Musgrave, "that it (Responsible Government) would be entirely inapplicable to a community so small and so constituted as this—a sparse population scattered over a vast area of country. There is scarcely the material even for the imperfect Legislative Chamber now existing, and any effective responsibility would be out of the question except of officials to the Lieutenant-Governor and of him to his official superiors."²⁰ The Governor's position towards the railroad is more uncertain. His earliest despatches show him carefully feeling his way upon this almost staggering proposal. He acknowledges the absolute necessity of "a line of communication at least by wagon road, if not by railroad."²¹ Six months later he writes that this material bond of union "is the crux of the scheme." "If a railway could be promised, scarcely any other question would be allowed to be a difficulty. Without the certainty of overland communication through British territory within some reasonable time, I am not confident that even if all other stipulations were conceded, the community will decide upon union." After declaring that the advocates of Confederation had raised in the people the belief "that the construction of the railway is a certain matter of course," he expresses his conviction that unless connection "at least by coach road" be granted, the union should not be consummated.²²

In November, 1869, the *Colonist* indicated the principal terms to be striven for, as seen by the residents of Vancouver Island:

Responsible Government.

Early construction of an overland railway.

Liberal subsidy for an ocean mail service.

Improved inland mail service.

Liberal subsidy for the support of the Provincial Government.

Power to the Provincial Government to establish a Free Port.

The largest representation in the Federal Cabinet and Parliament that may be compatible with the general interests of the Dominion.²³

And now, just when the officials of the Colony themselves had accepted Confederation as its destiny, and the public were discussing suitable terms, the Annexation faction raised its head. A petition was circulated and quite largely signed on Vancouver Island, addressed to U. S. Grant, the President of the United States, urging him to "endeavour to induce Her Majesty to consent to the transfer of the Colony to the United States." No trace of its having been forwarded to President Grant has been found. At any rate "the seditious prayer," as the *Colonist* dubbed it,²⁴ like the notorious Banks Bill of 1866, came to naught and was soon forgotten. The true sentiments of the Colony were expressed by Mr. Trutch: "They have never, as a people, had any inclination for the United States, or any proclivity towards the institutions of that country, and though there was at one time, in the year before last, an attempt on the part of a few disaffected persons to raise such an issue, it was so speedily hooted down that the very word, annexation, has been ever since tabooed among us."²⁵

In his well-known Paris letter Governor Seymour had expressed the opinion that "it would be desirable that the Governor should have the power of appointing two unofficial members of the Legislative Council to the Executive Council."²⁶ He announced in December, 1868, nearly three years thereafter, that the permission had been granted, but once more he could "not see his way clear" to make the selection, and up to his death no action was taken. Governor Musgrave moved more quickly. On 1st January, 1870, about four months after his arrival, he announced the appointment of the two unofficial members, Dr. J. S. Helmcken, senior member for Victoria, the head of the anti-Confederation party, and Dr. R. W. W. Carrall, the member for Cariboo, a strong supporter of Confederation. The appointment of two persons of such opposite views was a wise one. Not only did they represent the two most populous constituencies in the Colony, but their presence in the Executive Council gave assurance of the consideration of the proposed terms of union from every angle.²²

The support of the official members of the Legislative Council on the principle of Confederation having been secured Musgrave and his Executive undertook the heavy task of drafting the terms. The

object aimed at, as the Governor expressed it, was to formulate such terms, as if offered by Canada, would be gladly accepted by British Columbia. The constant harping of the press upon the necessity of the people's having a voice in the arrangement of the terms evidently bore fruit; for Musgrave fixed upon the following line of action: first, to obtain the vote of the Legislative Council in favour of Confederation; secondly, to obtain the approval by that body of the terms prepared by himself and his Executive; thirdly, to secure the consent of the Dominion Government to these approved terms; fourthly, to reconstitute the Legislative Council so as to give predominance to the elective portion and at that election to afford the people an opportunity of passing final judgment upon the scheme as arranged by the two governments; thereafter there would remain only the mere formality of passing the necessary address to Her Majesty and Confederation would, as far as British Columbia was concerned, become an accomplished fact.

In accordance with this plan of campaign the Legislative Council met on 15th February, 1870. Its twenty-three members were, with one exception,²⁸ the same as those of the preceding year. On that occasion the House could, under Governor Seymour, muster but five supporters of Confederation.²⁹ It now fell to the lot of two of the official members, H. P. P. Crease and J. W. Trutch, to move that the Council proceed to consider the terms of union. It is not my purpose to enter into the details of this debate. The official members, who, under the pressure and promise of the Governor, were all prepared to support it, endeavoured to explain away their votes of 1868 and 1869, saying that they were always in favour of Confederation, but that the time was not then ripe. In reply Mr. DeCosmos touched the real spring of their conduct: "But, sir, what did I hear at that time (1868)? 'You pension the officials and we will all vote for Confederation;'" and I think I could mention another Executive Councillor who said: "Do you think we are such fools as to vote for Confederation without being provided for?" That was the kind of wisdom in vogue in 1868."³⁰ After three days of wordy warfare the motion to go into Committee to consider the terms was carried unanimously.

I do not intend to set out *seriatim* the draft terms submitted by Governor Musgrave. I shall touch only those that excited the chief interest in the Colony and were in the nature of special treatment. He fixed the population at 120,000; in reality, even including the Indians it scarcely amounted to one quarter of that number. He reached this figure by dividing the customs and excise duties paid

in the Colony by the average contributions for such duties made by the population of Canada, arguing that British Columbia should come into the union with the privileges of, as she relinquished the revenue derived from, 120,000 inhabitants.³¹ The railway term was a composite affair—part coach road and part railroad. It specified that Canada should within three years construct a coach road connecting the Cariboo road with Fort Garry (Winnipeg), and engage to use all possible means to complete a railway connection at the earliest date; that the surveys for the railroad should be commenced immediately; and as soon as the coach road was built not less than one million dollars should be annually expended in its actual construction. The only reference to Responsible Government was a provision that the existing constitution should continue until altered under the authority of the British North America Act; in view of Section 92 of that Act the necessity of this clause is not apparent. The representation in the Dominion Parliament was set at four Senators and eight members of the House of Commons. No stipulations were inserted on the much-debated questions of Free Port and Tariff concessions.³²

As supplementary to these proposed terms a statement was prepared showing that under the British North America Act the Dominion would take \$386,700 out of a total estimated revenue of \$537,750 and would assume charges amounting to \$301,726; that the subsidies demanded from the Dominion would be \$213,000, and that in the result, besides being relieved from the repayment of her debt, the Colony would, after providing for local services, have more than \$150,000 annually to be applied to the general work of development.³³

These terms were debated in Committee for ten days; but the alterations made were unimportant. The chief amendment suggested that the proposed grant of \$35,000 for the support of the Provincial Government should be increased to \$75,000, and that, instead of the per capita grant becoming stationary at 400,000 it should continue to increase with each decennial census until the population reached 1,000,000.³⁴ Governor Musgrave's hold upon the official members of the Legislative Council is shown by the omission of any term dealing with Responsible Government, and by the defeat of Mr. Robson's motion that this form of government should come into effect with the union.³⁵ In truth, as the Governor stated in his despatches, the terms were a Government measure, and he was determined to get them through the House with practically no alteration. Two supplementary resolutions, the gist of which afterwards found a place in the terms were added in Committee, pointing out the injurious effect

that the Canadian tariff would have upon the infant agricultural, manufacturing, and commercial interests of the Colony.³⁶

The Legislative Council having approved of the terms the Governor intimated that he purposed to send three of its members to submit them with the necessary explanations to the Dominion Government.³⁷ This delegation consisted of three of his Executive Councillors—Mr. Trutch, Dr. Helmcken, and Dr. Carrall. Great surprise was expressed that neither Mr. Robson nor Mr. DeCosmos, both ardent supporters of Confederation, had been chosen. It, however, transpired later that Mr. Robson had been invited to act as one of the delegates, but, owing to private business, was unable to accept.³⁸

Leaving Victoria by way of San Francisco on 10th May, 1870, the delegation arrived in Ottawa on 4th June. Accompanying them went Mr. H. E. Seelye in the interests of Responsible Government, for its supporters refused to regard the defeat in the Legislative Council as final. In Mr. Robson's words: "We shall fight for and have Responsible Government. . . . We shall enter Confederation with privileges equal to other Provinces."³⁹ The reasons for, and the result of, Mr. Seelye's mission are given by Sir Charles Tupper: "The late Hon. John Robson, the late Mr. H. E. Seelye, and Mr. D. W. Higgins held a conference and decided that in order to secure Parliamentary Government it would be necessary for one of their number to proceed to Ottawa and inform the Government there that unless Responsible Government was assured they would oppose the adoption of the terms altogether and thus delay Confederation. Mr. Seelye was selected as the delegate. He succeeded in convincing the Dominion Government that his contention that the Province was sufficiently advanced to entitle it to representative institutions was correct."⁴⁰

In the discussions between the delegates and the Dominion Government the central points were the financial terms and the railway. The Government agreed to undertake the early construction of the railroad and press it to completion, but, having made this concession, objection was taken to the proposed coach road as an unnecessary expense; it was accordingly stricken out. The estimated population was reduced from 120,000 to 60,000. This and certain other changes reduced the total annual payments from Canada to about \$100,000 less than the delegates could accept. A deadlock seemed to have been reached. Sir George Cartier, however, saved the situation. He proposed that, following the precedent of the offer to Newfoundland, British Columbia be given in perpetuity \$100,000 a year for a belt of land twenty miles in width on each side

of the railway. Though in form an equivalent for the land, it was in reality merely a means of increasing the financial grant.⁴¹ The 11th Article of the terms of union (so much debated in later years) was then drafted by Mr. Trutch, whereby the Dominion undertook to commence within two years and complete within ten years a railroad to connect the seaboard of British Columbia with the railway system of Canada and providing for the grant of the railway belt to the Dominion in consideration of the annual payment of \$100,000. The representation was reduced to three Senators and six members of the House of Commons. The other alterations were of no moment, with the exception of that dealing with Responsible Government. Mr. Seelye succeeded in adding to Article 14 clauses to the effect that the Canadian Government would "readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia," and recording that it was the intention of Governor Musgrave "to amend the existing constitution of the Legislature by providing that a majority of its members shall be elective."⁴²

The negotiations occupied almost a month and on 7th July Mr. Seelye sent the historic telegram: "Terms agreed upon. The delegates are satisfied. Canada is favourable and guarantees the railway. Trutch has gone to England. Carrall remains one month. Helmcken and your correspondent are on their way home."⁴³

Mr. Trutch's visit to England was to oversee the passing of the British Columbia Act 1870 whereby authority was granted to reconstitute the Legislative Council by reducing it to fifteen members, of whom nine should be elected and six appointed. As soon as the Act and its ancillary Order-in-Council⁴⁴ were received Musgrave lost no time in forming the new Legislature, in which, for the first time, the people's voice should be supreme. To enable the House to meet at the accustomed time, the elections were hurriedly brought on in November, 1870. The issue was clear cut: Shall we have Confederation on the terms settled? In a considerable number of constituencies both candidates were supporters of Confederation on the agreed terms, and the contest degenerated into a mere matter of personal preference. The answer was decisive. All the elected persons were Confederationists, though only four had previously occupied seats in the Legislative Council.

No sooner was it certain that the battle was won and the matter settled so far as British Columbia was concerned that there sprang up one of those sectional jealousies that had slumbered under the influence of the great question. A delegation composed of influential citizens of Victoria presented to Governor Musgrave a petition

signed by five hundred residents of that city and vicinity urging its advantages (though situated on an island), as a terminus of the proposed railroad, and asking the addition of a term to the effect that if the surveys should show it to be impracticable to continue the railway to Victoria, then a railway should nevertheless be built by the Dominion to connect Victoria and Nanaimo. In no part of his two years' work in British Columbia does Musgrave's sterling character appear more clearly than in his treatment of this proposition; and nowhere does his firmness stand out in greater contrast against the weakness and vacillation of his predecessor. He pointed out that Canada had undertaken an enormous task in the construction of a transcontinental railway, of which the engineering and financial difficulties were as yet unknown; that in such a project any paper terms must fall before the imperious demands of grades and natural obstacles; and he calmly gave his opinion that the petition was "ridiculous, if not greedy." "I am amazed," he cried, "at the concessions that have been granted by the Canadian Government, and were it stipulated that the road should be brought across the straits it might not be built at all. I think the petition should be withdrawn." The delegation refused to accept his suggestion, and after further discussion, he said: "The terms now are better than we had any right to expect—better than I expected. The true policy would be to accept these terms and be confederated and then leave the natural flow of traffic to determine the terminus." When, despite all this, the petition was still pressed, he told the delegation that he could not and would not support it, that it was undignified and provocative of sectional disputes, and that it would "sow the seeds of perennial discord on the mainland."⁴⁵ This claim of Victoria as a terminus, it may be added parenthetically, underlay the war of the routes—Fraser Valley *vs.* Bute Inlet—that for almost ten years was a factor in retarding the ultimate construction of the railway.

When the reconstructed Legislative Council met on 5th January, 1871, nothing remained but to adopt, formally, the terms of union that had been drafted, debated, amended, and settled. In his opening speech Musgrave referred to them as being "as liberal as this Colony could equitably expect." Indeed, he added, in some respects the arrangements agreed upon were more advantageous than the scheme originally proposed. He referred, doubtless, to the earlier construction of the railway. "I submit them to you," he continued, "in every confidence that you will join with me in this conclusion; and I recommend to you at once to pass an Address to Her Majesty in accordance with the provisions of the British North America Act,

1867, praying for admission into the union on these terms and conditions. I have reason for believing that the community at large desire this course, and no minor or local interests which may quite as well be considered and protected hereafter, ought to be allowed to hinder the progress of the arrangements likely to be beneficial to the Colony in general."⁴⁶ He also discussed the introduction of Responsible Government, and, in referring to the amendment providing for this change, acknowledged the existence of the very general opinion in its favour. Even that subject, however, he emphasized, must not be allowed to delay the all-important matter of Confederation. It is plain that he still retained his conviction that the Colony was not fitted for this form of government. "But," he concluded, "if the House should be deliberately of opinion that this change is expedient, and that it will not be wiser to leave it for more leisurely consideration after union," he would, after the adoption of the terms of union, introduce a Bill to establish Responsible Government, and to provide for its coming into operation at the first session after union.⁴⁷

On 18th January, 1870, Mr. Trutch, in a short speech, moved the House into Committee to consider the concluded terms and draft the necessary Address. He confined his remarks to an account of the discussions which had taken place in Ottawa regarding the financial terms and the railway. Dr. Helmcken seconded the motion in an even briefer speech.⁴⁸ No other member spoke, and the motion was carried unanimously. The *Colonist* pointedly remarked: "Our Legislature yesterday presented a strange study. Just think of it! A Legislature created, we might say, for the express purpose of deciding the great question of Confederation, giving a unanimous vote in silence, save only what was said by the mover and seconder."⁴⁹

The champions of Responsible Government, having won their struggle to incorporate it as a term, seemed desirous of showing the Governor their strength, and, before adopting the terms of union, endeavoured to force through the House a resolution calling for its inauguration simultaneously with Confederation. They were, however, defeated by a combination of the officials and the two unofficial members of the Executive, who succeeded in carrying a motion asking the Governor to send down such a Bill at the time indicated in his speech.⁵⁰ Accordingly the Governor did not, and would not, move in the matter until the terms had been approved and the Address to Her Majesty passed. These pre-requisites, in the Governor's opinion, having been settled on 20th January, the much-desired Bill was introduced on 31st January.⁵¹ Even then the Governor

took care to include a clause suspending its operation until the Queen in Council had assented to the union. In transmitting the Act to the Colonial Office Musgrave made it plain that he doubted its wisdom, but had, perforce, yielded to the strong popular feeling. "I still believe," he writes, "that the system of Responsible Government is in advance of the development of the colony, and that the existing Legislative Constitution would be sufficient for all local purposes after the union if it were allowed to work without factious opposition."⁵²

In proroguing the House Musgrave mentioned the satisfaction with which the Imperial Government had learned of the completion of the negotiations and expressed his confident anticipation of the early proclamation of the union. After some philosophical remarks upon the imperfections of all human inventions he reminded them that they might reflect with pride that to them had been confided the privilege of deciding upon the most important questions which had up to that time arisen, or were likely to rise for years to come, in the history of the Colony; to them belonged the honour of extending the limits of the British American Confederation to the shores of the Pacific, and of cementing the foundations of a great and prosperous state, whose future promised to be enlightened and progressive.

In conclusion he spoke of his pride in participating in the great work, and indicated that his official connection with the Colony must, as a result, soon be severed. "Whatever be my future fortune," he added, feelingly, "I shall carry away with me from British Columbia, and I hope you will retain, a pleasant recollection of good feeling and mutual assistance in accomplishing the work which we undertook to perform."⁵³

Governor Musgrave had done his work well and quickly. The Imperial Order-in-Council, dated 6th May, 1871, fixed 20th July, 1871, as the date of the entry of British Columbia into the union; five days later Anthony Musgrave bade farewell to the new Province, and from the deck of H.M.S. *Sparrowhawk* saw the western shores of the Dominion sink below the horizon.

¹Memoirs of Sir John A. Macdonald. By Joseph Pope. London, 1894, Vol. 2, p. 144.

²Papers on the Union of British Columbia with the Dominion of Canada, 3rd August, 1869, p. 30.

³"J. S. H." (Dr. Helmcken) in *Daily British Colonist*, 10th November, 1869.

⁴*Daily British Colonist*, 24th July, 1869.

⁵*Daily British Colonist*, 9th October, 1869.

⁶*Daily British Colonist*, 11th September, 1869.

⁷Despatch from Governor Musgrave to the Colonial Office, dated 30th October, 1869, in Department of Archives of Canada.

⁸*Id.*

⁹*Id.*

¹⁰*Id.*

¹¹*Daily British Colonist*, 3rd October, 1869.

¹²Papers relating to Union of British Columbia and Vancouver Island, 1866, pp. 4-5.

¹³Article 6 of Terms of Union between Canada and British Columbia.

¹⁴Preserved in Department of Archives of Canada.

¹⁵Memorial of the County Court Judges, 23rd April, 1874, in Dominion and Provincial Legislation, 1867-1895 (Disallowance Report), p. 1030.

¹⁶*Daily British Colonist*, 4th November, 1869.

¹⁷Despatch from Governor Musgrave to the Colonial Office, dated 30th October, 1869, in Department of Archives of Canada.

¹⁸*Daily British Colonist*, 5th November, 1869.

¹⁹*British Columbian*, 2nd May, 1868.

²⁰Despatch from Governor Musgrave to the Colonial Office, 30th October, 1869, in Department of Archives of Canada.

²¹*Id.*

²²Despatch from Governor Musgrave to Colonial Office, 5th April, 1870.

²³*Daily British Colonist*, 6th November, 1869.

²⁴*Daily British Colonist*, 18th November, 1869.

²⁵Complimentary Dinner to Hon. Mr. Trutch, 15th April, 1871, Montreal, 1871, p. 10.

²⁶Governor Seymour to Colonial Office, 17th February, 1866, in papers relating to Union of British Columbia and Vancouver Island, Part I, p. 34 at p. 41.

²⁷*Mainland Guardian*, 19th February, 1870.

²⁸Dr. J. C. Davie, an opponent of Confederation had died, and Amos DeCosmos, a strong Confederationist, who had been defeated in Victoria City in 1868, was elected in his stead as member for Victoria District.

²⁹The Attitude of Governor Seymour towards Confederation, in Transactions of Royal Society of Canada, 1920, Section II, p. 47.

³⁰Debates on Confederation, 1870, Legislative Council, Victoria, 1870, p. 30.

³¹Sessional Papers of Canada, 1871, No. 18, p. 2; Complimentary Dinner to Hon. Mr. Trutch, 15th April, 1871, Montreal, 1871, p. 7.

³²Sessional papers of Canada, 1871, No. 18, pp. 6-7.

³³*Id.*, pp. 8-10.

³⁴Journals of Legislative Council of British Columbia, 1870, p. 29.

³⁵Debates on Confederation, 1870, Legislative Council, Victoria, 1870, pp. 94-124

³⁶Journals of Legislative Council of British Columbia, 1870, p. 34.

³⁷*Id.*, p. 41.

³⁸*British Columbian*, 8th July, 1882.

³⁹Debates on Confederation, 1870, Legislative Council, pp. 93-94.

⁴⁰Recollections of Sixty Years in Canada, London, 1914, pp. 127-8.

⁴¹Island Railway, Debates and Correspondence, compiled by Amor DeCosmos, p. 232.

⁴²Article 15 of Proposed Terms of Union, Article 14 of Terms of Union.

⁴³Howay and Schollfield, History of British Columbia, vol. 2, p. 293.

⁴⁴British Columbia Act, 1870, Chap. 66; Order-in-Council, 9th August, 1870.

⁴⁵Sessional papers of Canada, 1871, No. 18, pp. 19-22.

⁴⁶Journals of Legislative Council, 1871, p. 2.

⁴⁷*Id.*, p. 3.

⁴⁸*Id.*, p. 13.

⁴⁹*Daily British Colonist*, 19th January, 1871.

⁵⁰Journals of Legislative Council, 1871, p. 9, 12th January, 1871.

⁵¹*Id.*, p. 21.

⁵²Despatch from Governor Musgrave to the Colonial Office, 18th February, 1871, in Department of Archives of Canada.

⁵³Journals of Legislative Council, 1871, p. 50.