

AMOR DECOSMOS, A BRITISH COLUMBIA REFORMER

The history of British Columbia has been written so often on the theory that all that is good in the province is a legacy from the Hudson's Bay Company that this fallacy has become the belief of most people. Strangely enough, little consideration has been given to the unexplored field of the influence of the Eastern British North American provinces upon the West. British Columbians have ignored the fact that the history of all British provinces has been the fight for responsible government, and that British Columbia and Vancouver Island do not differ from the remainder of Canada in that respect. Since they have ignored that fact it is only natural that they should have ignored the men who fought for these principles.

Outstanding among these men was Amor DeCosmos, a true son of Nova Scotia and a follower of Joseph Howe. The life of Howe is essentially the history of Nova Scotia, while that of British Columbia, in its early years, is embodied in two figures. Sir James Douglas was pre-eminent from 1851 to 1858, but before his retirement DeCosmos appeared, to become the most prominent figure until 1880. Products of two totally different schools of thought, for a few years they were to clash over the principle of responsible government. Although Douglas retired he was ultimately the victor, since to this day his part has totally eclipsed that of DeCosmos in British Columbia history.

It is, therefore, to the administration of Sir James Douglas, his theories and practices, that we can look for the abuses against which DeCosmos fought. Everyone knows the story of Vancouver Island. The Hudson's Bay Company had a virtual monopoly in trade, and their monopoly in government was represented by the autocratic rule of their chief factor, Douglas, who governed practically singlehanded. With few independent settlers, there was a lack of representative institutions until the British government ordered that some attempt be made to establish them. Once given, the lack of interest shown by the few settlers (except the occasional grumbler or genuine reformer) showed how much the poison of Company monopoly had permeated the colony.¹

Suddenly the situation was changed in 1858 by the beginning of the gold rush to the Fraser. Victoria, as the stepping-off place

¹ Cf. Sage, W. N., *The Early Days of Representative Government in British Columbia*. *Canadian Historical Review*, Vol. 3, 1922. Pp. 143-162.

for the Gold Colony, became magically a thriving town, with great trading possibilities. Of course, much of her population was merely transient—gold miners, adventurers. But along with these came the solid middle class, merchants and professional men, mostly Americans. There were, however, the few Canadians and Maritimers who were to provide the nucleus for the formation of another link in the Canadian chain.

Among these came Amor DeCosmos who was born in Windsor, Nova Scotia, and who spent his early years under the formative influence of Joseph Howe, in those epoch-making years from 1830 until 1850 when he struggled for responsible government.² In 1851 he was attracted to the California gold fields, and had many experiences on the way there, and in California. He was not idle there, trying his hand at photography, mining, trading and speculating. There is little known about this part of his life, and consequently many stories, derogatory in many cases, have grown around these years, helped by the fact that during his stay in California he changed his name by act of legislature. Born William Alexander Smith, he found that he was invariably losing his mail and he decided to change his name. This has been done before, but the interesting part is the choice of name. Nothing could be a finer commentary on his character. It shows his belief in himself, his desire for originality—Amor DeCosmos, Lover of the World. Notwithstanding the prosaic reason for the change, he was to suffer much from it. He was to be accused of everything from trouble with the Mormons to membership in the Vigilantes Committees. The name also gave much opportunity for ridicule to his political opponents.

In 1858, with news of the gold rush, DeCosmos was attracted to the north, went to Victoria, and decided to enter the newspaper world there. It is uncertain whether he had had experience in this line of work or not, but he at least had a rich background of personal experiences and political tradition; he had a name calculated to excite interest; and lastly, he had a field worthy of endeavour.

Here was a comparatively new country, rich and attractive, with promise of a larger population; with no leader of liberal thought, no political experience, and no public opinion. DeCosmos, with a supreme optimism, felt that he could provide all three. The next twenty years of his life were to be taken up with this task.

² His family had the same traditions as Howe's. He was a member of the Dalhousie Debating Society in Halifax which doubtless discussed the political events of the day. He worked in Halifax from 1840 to 1851. *Vide*, Boggs, Beaumont. *What I Remember of Amor DeCosmos*. *B.C. Historical Association Report*, 1929. P. 55 ff.

In his first years in Victoria his principal occupation was providing an outlet for public opinion. With him there may be said to have begun the first independent newspaper in the British North-West. The *British Colonist* was, however, not only an outlet for public opinion, but a teacher and guide in the principles of liberal government and political self-expression.

Conditions were ripe for criticism from any who were not of the Company or for it. Just before DeCosmos arrived, Douglas had made a proclamation, attempting to keep the new colony a monopoly for the Hudson's Bay Company.³ Although this failed due to the Colonial Secretary, he again issued a proclamation⁴ which seemed detrimental to the interests of British Columbia. DeCosmos voiced the criticism felt by many in the first editorial in the *British Colonist*. "He wanted to serve his country with honour, and at the same time preserve the grasping interests of the Hudson's Bay Company inviolate. In trying to serve two masters he was unsuccessful as a statesman."⁵

DeCosmos, as a resident of Victoria, was naturally more interested in the colony of Vancouver Island and he showed equal vigour in criticizing the Governor's actions there. He wasted no time in unessentials, but came immediately to the crux of the situation—the unhealthy influence of the Company in every branch of government, executive, legislative and judicial. In penetrating and biting words he described the situation. "Loyalty, honesty, and competency—the triad strength of British officials—which could have been had for the asking—are branded with the mark of illegitimacy, and offices of the colony filled with toadyism, consanguinity, and incompetency, compounded with white-washed Englishmen, and renegade Yankees."⁶

DeCosmos not only criticized, he also offered remedies. Among his proposals he advocated establishing a responsible executive, doing away with the payment of judges by fees, and removing the power of patronage from the hands of the Governor. He showed the excess to which the latter could be carried in his open criticism of the elections in Nanaimo.⁷

³ Proclamation, May 8, 1858. Sage, W. N., *Sir James Douglas and British Columbia*, Toronto, 1930. P. 213.

⁴ Proclamations, British Columbia, 1858-1865. Dec. 3, 1858. Cf. Sage, W. N., *The Gold Colony of British Columbia*, *Canadian Historical Review*, Vol. 2, 1921. Pp. 346,7. It established a tariff for a colony which was not self-supporting and it made Victoria the port of entry instead of some place on the mainland.

⁵ *British Colonist*, Dec. 11, 1858.

⁶ *British Colonist*, Dec. 18, 1858.

⁷ The first member, Kennedy, was appointed by Douglas and Work, on the theory that the grant of the H.B. Co. authorized it. *British Colonist*, Feb. 12, 1859. When he died, Barnston of Victoria, was nominated by the only voter, his seconder being a non-voter, a H.B. Co. employee. He never took his seat. In the next election a captain of a H.B. Co. boat, while he was absent, was elected by the one voter and he never

It was not to be expected that Douglas, the autocrat who had defied the sporadic criticism of earlier times, would suffer a mere Eastern upstart to question the sacrosanct workings of the English gentleman and Company aristocrat.⁸ Soon he had found the solution of his trouble and the means to rid the colony of the popular demagogue.

He revived an old gag statute of England which had never been intended for application to the colonies.⁹ The statute said that no editor could publish without depositing a sum of money, as a guarantee of good behaviour. In this case it was eight hundred pounds, which it would have been impossible for DeCosmos to find. Fortunately he had already won the respect and captured the imagination of the people of Victoria and a number of the more influential men were able to raise the necessary sum.¹⁰ Consequently the *British Colonist* was saved to renew the criticism of Douglas, to which was added ridicule for the abortive attempt at suppression.¹¹

DeCosmos had spent a year in the colony and in that time had done valuable work in creating public opinion, pointing out the more blatant abuses and suggesting constitutional and progressive reforms. He was now to try his hand at a more direct method of correcting abuses. Elections were being held for a new Assembly and DeCosmos decided to run for Victoria. It was natural that this move on his part would cause even more opposition from the "Family-Company-Compact." Every sort of argument was used to defeat him, but when it came to argument, DeCosmos was a match for any of them. It was a different matter, however, when the "Obstructionists" turned to more direct means. The most effective of these was the illegal use of the colored population for voting.¹² The votes of these just managed to defeat DeCosmos.¹³ Suspecting that he had been defeated by illegal means, he attempted to protest the election but his efforts were fruitless.¹⁴ Not only were

returned to take his seat. Cf. Gosnell, R.E., "Colonial History, 1849-1871," *Canada and Its Provinces*, vol. 21, p. 130. Also, Howay and Scholefield, *British Columbia*, vol. 2, Vancouver, 1914., p. 156.

⁸ Cf. Sage, *Sir James Douglas and British Columbia*, p. 258. "Douglas on his part seems to have disregarded DeCosmos' onslaught.

⁹ May, Sir T. E., *The Constitutional History of England*, vol. 2, p. 61. London, 1912. Laws enforcing stamp duties, stringent provisions against unstamped publications and securities for ensuring responsibility of printer passed, 37 Geo. III, c. 90, 38 Geo. III, c. 78. These laws were to restrain the multiplication of cheap political papers.

¹⁰ Macdonald, D. G. F., *British Columbia and Vancouver Island*, p. 278. London, 1862.

¹¹ At this time steps were being taken in England to remove the restrictions and DeCosmos suggested that Douglas would have to have a special act passed by Parliament to render the new laws null and void in the colony. *British Colonist*, April 16, 1859.

¹² The Government party developed the theory that since the negroes were not citizens of the U.S.A., therefore citizens of no state they might be said to be citizens of Great Britain, and entitled to vote by merely taking a vote of allegiance with no other qualification.

¹³ Cf., Sage, *Sir James Douglas and British Columbia*, p. 258, footnotes 2, 3.

¹⁴ March, 1861, the colored voters were finally struck from the list for not being British subjects.

illegal means used against DeCosmos, but against many others who were suspected of reform sympathies. The election must stand as one of the most corrupt at which any government in British Columbia connived. Even the Attorney-General was incriminated in the fraudulent acts.¹⁵

Before the Assembly was summoned, DeCosmos criticized the highhanded actions of Douglas in regard to proclamations in British Columbia and Vancouver Island,¹⁶ but he soon returned to the constitutional struggle over responsible government, through the columns of his newspaper. The important phases of this question were the lack of responsible advisers to the Governor, and closely linked with this, the hopeless confusion over the Crown Lands, which the Hudson's Bay Company was then returning to the Crown. Before it was possible to insist on responsible government, the province had to settle the question of the Crown Lands with the Company so it could pay a permanent civil list. But no information with regard to the question could be secured without responsible connection between Governor and Assembly. This question, in all its ramifications, was to cause the bitterest quarrels of the next six years, and DeCosmos was the leading spirit in the struggle, yielding nothing to Crown, Governor or Company, and working always towards the goal of responsible government as practised in the Eastern Provinces.

Out of this struggle arose many minor events. Through his criticism of the Speaker's decision on the rules of parliamentary debate—a decision which ensured the victory of the "Obstructives" at a time when the Reformers had the advantage—DeCosmos was called to the bar of the House for breach of privilege and libel.¹⁷ Even the men who had given him the information, fearing the power of the Speaker, refused to support DeCosmos and forced him to apologize.¹⁸

Interspersed with struggles of this nature and violent criticisms of the different members of the Assembly, DeCosmos found time to

15 In Salt Spring Island no proper notice of registration was given. Many voters did not have time to get to Victoria to register. Later, when it was discovered that the popular candidate was a reformer, the registration was opened to a select few who were government supporters. The Attorney-General assisted in this, while admitting its illegality.

16 "How is it that in a territory of the United States, the people can be self-governed from the time that there are enough in a settlement to make a town meeting, while in a British colony, hundreds and thousands of intelligent freemen are doomed to hear the dissonant announcement, 'Now, therefore, I do enact?'"

17 The Assembly was sitting as a Committee of the Whole on the estimates and on rising, it was decided to have an evening sitting. According to parliamentary usage, (May, T. E., *Parliamentary Practice*, p. 413. London, 1917) the chairman must ask leave to sit again. He neglected to do this. When the evening sitting began, the Speaker discovered that there was a majority of Reformers present, and he declared that since the chairman had neglected to ask for leave to sit again there would be no discussion of estimates. Although technically right, he took advantage of an inexperienced Assembly to prevent reform.

write of the larger interest of party government, as it should be and as it was in Vancouver Island. He appreciated the fact that the party was an essential feature of responsible government. In regretting that on Vancouver Island there was no party government, he picked on the greatest fault of government in that province until the first decade of the twentieth century. He saw the evil, regretted it, and fought against it for the greater part of his political life, yet was powerless to prevent it when he reached power.

DeCosmos was to have one more election experience in which illegal means were used to defeat him. He ran in Esquimalt, in a by-election, under his old name, William Alexander Smith. The voting was open, and, by mistake, one voter used his new name and was not allowed to correct his mistake. The loss of this one vote defeated him. He protested the election on many grounds, particularly the use of the Voters List of 1859 when that of 1860 should have been used. By manipulation of the majority in the Assembly, the report of the election committee, which had admitted the illegality of the election, was thrown out, against all precedents.¹⁹ DeCosmos had again been defeated by the sharp practices of the government.

Meanwhile the Assembly was still struggling aimlessly and fruitlessly against Council and Governor, and the next two sessions were merely a repetition of the first. DeCosmos was disgusted with the inefficiency of the members, and appreciated the hopelessness of winning reform under these conditions. However, he looked forward to the new election which was to be held in 1863. With the writs for a new election issued, DeCosmos at once entered the field as a candidate for Victoria. This time he was successful, although opposed by the Family-Company-Compact.²⁰ With the conclusion of these first five years of DeCosmos's career on Vancouver Island his final attempts had ended to create public opinion in a colony, unique in the history of British colonies. The fact that he had succeeded in arousing public interest, even though he had accomplished nothing more, speaks for his effectiveness as a newspaperman and public reformer.

The next few years of his life were occupied with attempts to lead a reform party and to initiate understanding of British institutions into an Assembly, which, with but few exceptions, had been the plaything, the mere mouthpiece of the Governor and the

18 Crease, one of those who objected to the Speaker, but who was not a Reformer, even objected to witnesses being called to prove DeCosmos' evidence.

19 Tolmie, the chairman of the election committee, voted against his own decision. *British Colonist*, Nov. 22, 27, 1860.

20 Cf. Sage, *Sir James Douglas and British Columbia*, p. 288.

Hudson's Bay Company. Closely related with this work was the desire for union with British Columbia and the bettering of the financial condition of the colony. The two were both of vital importance to the people of the two colonies. DeCosmos had always recognized this and, from his arrival on the island, had talked about the possibility of union and the economy of such a policy. In 1861 he had said, "The act of union would sink forever out of sight the prospect of two or three petty colonies on this coast, each bowed down with the weight of governmental machinery, like striplings encased in giants' armour, each with different domestic laws, each with different industrial policy, each without any connecting link but what is found in the national chain; each estranged from each other almost as though the sovereignty of each other's territory was vested in different monarchs."²¹

The difficulty in securing union was the difference in opinion between Victoria and British Columbia on the free port question. Practically all the Victoria candidates had more or less pledged themselves not to secure the union unless the free port was continued. This was to prove a serious stumbling block, and it also caused a very severe criticism of DeCosmos when he ignored this feeling in order to further the greater interest of union.

The question of Douglas' retirement came up about this time and some of his admirers and sycophants petitioned that he be re-appointed. DeCosmos raised a cry against this proposal, not from mere petty spite, but rather in the real interests of Douglas. He pointed out the faults of his administration and said that these would be forgotten if Douglas retired, people "preferring to regard him in his retirement as the actual founder of two noble colonies, a high honour and a lasting monument."²² Douglas did retire so there was no need to delve into old quarrels, but the editorial of DeCosmos might be considered his parting shot to Sir James Douglas, since it is as the founder of two noble colonies that Douglas is remembered.

At this time DeCosmos gave up his newspaper to concentrate on the legislature. It must have been difficult to make a decision but he chose the field in which an ambitious man was more likely to succeed and where he could benefit his country more, now that he had accomplished his purpose of creating public opinion.

Although union was to be the result of this Assembly's efforts, at first conditions were not ripe to further it and the attention of the members turned to other questions. Foremost amongst these

²¹ *British Colonist*, Dec. 18, 1861.

²² *British Colonist*, Sept. 16, 1863.

was that of responsible government. For the first time in the political history of Vancouver Island definite proposals for responsible government were moved in the Assembly. DeCosmos proposed a modified form to suit the needs of a small colony. No members of the Assembly should be officers of the Crown, but there should be a ministerial council, "composed of un-official, unsalaried members,"²³ in which would sit some officers of the Crown, although they would have no vote. This Council, when it could not secure a majority in the Assembly, should resign according to "the constitutional usages that govern the ministry in England under similar circumstances."²⁴ There was no result from these resolutions but they show that DeCosmos was attempting to put his views into practice.

Another question which occupied their attention was that of the Civil List. The members felt that the proposed one was far too high for a small colony, and DeCosmos suggested that they refuse to pay it until union was secured. His proposal was simplicity itself, but, unfortunately for the peace of the Assembly, it met neither the approval of Governor nor Crown. Consequently a quarrel of extreme bitterness arose, which eventually included the old struggle with the Hudson's Bay Company, which lasted until union, and which was not then definitely settled.

Although this struggle over the Civil List was never-ending, attention was again attracted to union, with a change in the condition of the colony. With depression in Victoria, due to the end of the gold rush in British Columbia, people began to discover that the free port was less profitable than before.²⁵ DeCosmos felt that the situation favoured change and he was able to secure the passage of what came to be known later as the "Unconditional Terms of Union." The main purport of the terms was "that the immediate union of the colony with British Columbia, under such constitution as Her Majesty's Government may be pleased to grant"²⁶ would be ratified by the Legislature.

There was much criticism of these terms in Victoria by the commercial men, and this opinion was expressed in the Assembly by Young, one of the members for Victoria. To quiet all discussion, DeCosmos resigned his seat along with Young, and the two men ran in Victoria, one for the union with British Columbia and such

²³ *Ibid*, Jan. 16, 1864.

²⁴ *British Colonist*, Jan. 27, 1864.

²⁵ Cf. Macfie, Matthew, *Vancouver Island and British Columbia*, pp. 90-130. London, 1865. The author is an advocate of retaining the free port, believing that it is the basis of the colony's prosperity.

²⁶ *British Colonist*, Jan. 25, 1865.

fiscal policy as should be found satisfactory to both, the other for the unconditional retention of the free port. Along with DeCosmos, ran M'Clure, editor of the *British Colonist*. It was one of the bitterest elections of the time with the free port candidates having the power and money of Wharf Street behind them. Suspicions of corruption were everywhere evident. DeCosmos and M'Clure won on the plea of legislation for "the whole country—not for a single line like Wharf Street, but for a line from Victoria to Cariboo; from Vancouver Island to the Rocky Mountains."²⁷

The bitter conflict with the Governor over the estimates from that time, made the Assembly realize that there was danger in the blanket clause of the Unconditional Terms. The members began to appreciate the difficulties that would ensue if there was no assurance that representative and responsible government would be given (although none of them expected that they would not be given at least as liberal a constitution as they then enjoyed). M'Clure, therefore, moved resolutions that added to those of 1865, the rider that no constitution would be adapted to the needs of the colony that did not give responsible government.

It was during this year, between lulls in the storms over civil list, estimates, and union, that occurred one of the famous speeches in parliamentary history—the long speech so often attributed to DeCosmos, but in reality the work of M'Clure. The variations of the story are many but out of the myths surrounding it one can gather the tale of two men, who, in the interests of the people—to save them money and to prevent the government carrying out an unconstitutional act—spoke for twenty-six hours between them.²⁸ M'Clure spoke for sixteen hours, DeCosmos for the remainder of the time, until the House gave in and adjourned. Through M'Clure's early death (due to the effects of the speech), and subsequent fame of DeCosmos, the credit for the speech has gone to the latter.

For the next few months the time of the House was taken up with the estimates. The Assembly asserted its right to lower them

²⁷ *Ibid*, Feb. 13, 1865.

²⁸ There had been a tax sales in Victoria and the government had promised a year for redemption of the land by former owners. The year was practically up when members of the Assembly, feeling that not enough warning had been given and that an extension of time should be given, passed a bill regarding this. The Council amended this to make it a money bill, making the government an agent for the delinquent taxpayers, by authorizing it to redeem the land from the present holders, and keep it for the former owners for another year. Since the Council could not initiate money bills, the Assembly defeated it. The day before the last day for redemption, members of the Assmby brought in a similar bill. In order to get it passed in time, all standing orders were removed. This gave M'Clure and DeCosmos their chance to defeat the bill, by speaking until the time for redemption had passed, twenty-six hours. Both were accused of having bought land at the tax sale and being afraid of losing it. There is no evidence to support this. *Government Gazette*, Vancouver Island, 1866. Publication of Real Estate sold for taxes and those who bought it. Neither DeCosmos nor M'Clure are among the names.

or to initiate its own money bills until responsible government was given; the Governor and the Council refused this right. The result was that no estimates were passed for the year and a vote of want of confidence in the Governor was expressed by the Assembly. The members now realized that there was little hope of receiving favourable terms of union, with the Governor acting as the intermediary between colony and Colonial Secretary, and not hesitating to express his opinion of the worthlessness of the Assembly.²⁹ Consequently M'Clure attempted to withdraw the resolutions of 1865 with regard to the effect on representative institutions. Surprisingly enough, DeCosmos opposed his action and said that he would accept union under any circumstances, even with no Assembly.

The bill for union was as they had feared. It took away what little representative government Vancouver Island had had and put in its place, a partially elected Council. The seat of government was placed at New Westminster. There was no free port. No opportunity was given for refusal by the Vancouver Island Assembly.³⁰ Of course the people of Vancouver Island blamed the Assembly and particularly DeCosmos for the result, but neither DeCosmos nor the others ever thought that the Imperial Government would be so reactionary,³¹ and they had acted as they thought best for the colony. DeCosmos may be criticized for his inconsistency in not placing responsible government before union, but he saw the need for immediate union, and he knew that the loss of representative institutions was not irrevocable.

For the next five years DeCosmos was to be occupied with a struggle which was the natural outcome of the one just completed. From the smaller union of British Columbia to Vancouver Island it was a natural step to the larger one of Confederation. Along with this went, of course, the other question of responsible government. Although DeCosmos had accepted union without the latter—through force of circumstances—he certainly would not accept partnership in Confederation without equality of status for his province.

After the union of the provinces, elections were held in Vancouver Island for the so-called legislature at New Westminster.

²⁹ Papers Relative to the Proposed Union. Kennedy to Cardwell, Mar. 21, 1865. He is against an elective Assembly after union, because the Council spent its time in undoing the crude legislation of the Assembly.

³⁰ Howay and Scholefield, *Op. Cit.*, vol. 2, p. 226. There was a change in government in England during the passage of the bill, and the new government struck out the clause allowing the consent of the colony.

³¹ It seems absolutely against the policy of the Imperial Government with regard to its colonies at that time, 1866, when Confederation was being encouraged. Carnarvon, in 1858, was against free institutions for B. C., but he said he would be glad to give them in four years' time. *Speeches on Canadian Affairs*, London, 1902. p. 40.

DeCosmos ran in Victoria, and, although strongly opposed, was successful, along with Helmcken, on the platform of responsible government, recovery of the capital for Victoria, retrenchment and reduction of taxation.

There was much to criticize at New Westminster, particularly the preponderance of appointed members in the Council, and the discrimination shown against the Island in the matter of customs duties. DeCosmos was amongst the first in picking out the faults of the administration. He was interested particularly in the double collection of duties, the excessive expenditures on officials' salaries, the right of the Assembly to vote pro or con or decrease the estimates, and finally in the re-establishing of Victoria as the capital (which was secured in the next session).

He was, also, the leader in advocating radical changes in the constitution of the Council to make it more representative. "Every other colony under the British Crown has representative institutions and the conflict will not cease until Her Majesty's Government has given up the idea of governing the country from Downing Street."³² In this first attempt DeCosmos could only secure two supporters.

The big question of the session was Confederation, which DeCosmos brought up. He had advocated Confederation in his paper, from reasons of unity in policy and to provide a greater field for ambitious men, in the days when Confederation was merely an idea in men's minds. Now, in 1867, it was practically consummated, therefore, he felt that British Columbia should take steps to enter the new Dominion. He moved a resolution, which, in the final form, expressed the desire of the House that the Governor should take steps to insure the admission of British Columbia into the Dominion on fair and equitable terms. This resolution passed unanimously and was supported by a public meeting held in Victoria.

There began at the same time a move towards annexation which was later supported by some of the prominent men of the colony, such as Helmcken. This movement was particularly strong in Victoria, with the balance of power swinging from one party to the other throughout the period. Eventually Confederation won, but it was questionable for a time whether Vancouver Island might not become part of the United States.³³

Although conditions seemed favourable, on the whole, to Con-

³² *British Colonist*, April 10, 1867.

³³ Sage, W. N., "The Annexationist Movement in British Columbia." *Transactions of the Royal Society of Canada*, sec. 2, pp. 97-110. 1927. Keenleyside, Hugh L., "British Columbia, Annexation or Confederation." *Canadian Historical Association Report*, pp. 34-40. 1928. Howay, Judge F. W., "British Columbia's Entry into Confederation." *Ibid*, p. 67. 1927.

federation, the Governor delayed negotiations, in direct denial of the resolutions, and consequently prevented Confederation at the moment when it was most likely to succeed.

Between sessions DeCosmos visited Eastern Canada and spoke there as a Reformer and a Confederationist. On his return, he discovered that the Governor had delayed negotiations, and he was instrumental in calling a meeting at Victoria which sent resolutions direct to Ottawa. These resolutions expressed the desire and need of the colony for Confederation and responsible government, and also pointed out the strong official opposition to it. The terms that they asked were practically those which were eventually secured. The Canadian government expressed its willingness to accept the province on these terms and matters rested there until the Legislature was called. Meanwhile DeCosmos wrote a series of able letters to the *Colonist* to educate the public to the idea of Confederation.

When the Council met, after settling or attempting to settle the usual questions of retrenchment and responsible government, Confederation was again discussed. Conditions had changed radically—a great many annexationists and anti-Confederationists had been petitioning the people, the Governor had shown his dislike for Confederation, and the officials began to fear the loss of their well-paid positions; while the Dominion government was less favourable since the question of the intervening territories could not be settled. The effect was shown in the vote on the new resolution, which advocated delay. This was passed, with DeCosmos objecting strongly.

However, the Confederationists were not idle, and they formed a league to further Confederation and to obtain representative institutions and responsible government. DeCosmos was prominent in this and was one of the leaders in the Convention which it called at Yale. Much ridicule has been cast at this Convention by Governor Seymour and later critics, but it should be given credit as one of the few examples in early British Columbia history of the expression by a free Assembly of the desire of the people for Confederation and responsible government.

DeCosmos's part in the Yale Convention was to prove disastrous in his attempt to win a seat in Victoria in the elections for the Council that year. His opponents drew attention to his plea for Confederation at Yale and compared it with his stand in the election, which was to keep Confederation out of it, as impracticable at the moment. His opponents insisted that he was running as a Confederation candidate, consequently, since Victoria at that moment was strongly anti-Confederation, it was a foregone conclusion

that he would be defeated. He attempted to fight his election on responsible government, saying that it was necessary before the people could decide on Confederation. To make sure that he would be defeated, his opponents persuaded the Governor to issue a proclamation, making voting legal for everyone except Indians and Orientals in Victoria.³⁴ With all the Americans voting, Confederation was defeated, and along with it, DeCosmos.

DeCosmos was absent from the Council for one session but in a by-election won a seat in Victoria District and was present in the House when Confederation had not only become a probability but practically a certainty. The North-West territories had become part of Canada, the province had a new governor who favoured Confederation,³⁵ and the official element in the province had been pacified with the promise of pensions. The Annexation movement, the only other obstacle, died a natural death when Confederation became a fact.

When Musgrave, the new Governor, opened the session he showed that he was to be the leading spirit in Confederation and that he was not in favour of responsible government. The terms he outlined were practically those of the meeting of 1868, except that responsible government was omitted. DeCosmos at once objected and attempted to make it a sine qua non of Confederation. His resolution was defeated although he said, "It would be a difficult matter for the Government to try to cram Confederation down the throats of the people if it were not to be governed by the people and for the people."³⁶

He also objected to the assumption of the official members that they had always favoured Confederation. He pointed out that it was the people, not the officials, that had always furthered it. On the railway terms he was against asking too much; and he favoured the retention of British Columbia's tariff, if Canada's was not so high. The Confederation terms were passed and a delegation chosen from the House, which represented the official interests rather than those of the real wellwishers of Confederation. Along with these men went, however, Seelye as a people's representative, to ask for responsible government. He was able to secure its inclusion in the terms of union.

Meanwhile DeCosmos had reentered newspaper circles as editor

³⁴ Sage, W. N., *Annexationist Movement in British Columbia*, p. 104.

³⁵ Pope, Joseph, *Memoirs of Sir John Macdonald*, vol. 2, p. 144. Ottawa, 1894. Letter to the Governor-General, recommending Musgrave as Governor for British Columbia since he was known to be in favour of Confederation.

³⁶ *British Colonist*, Feb. 20, 1870.

and proprietor of the *Daily Standard*.³⁷ He spent the summer quarrelling with Robson of the *Colonist* over many points of controversy. Foremost amongst these was the battle over responsible government. DeCosmos, following in the tradition of the Eastern Reformers, upheld party government as a necessary part of responsible government. Robson opposed this idea, saying that it was merely the seeking of office and patronage. Like most of the leaders in British Columbia, he did not want party government and thereby retarded the political growth of the province for years.

About the time that the terms of Confederation were published, agitation for the railway terminus to be situated at Esquimalt began, with DeCosmos as one of the leaders. He was criticized for his inconsistency, since before he had been against asking for too much. Finally the agitation was quieted by deciding that they should ask for a railway from Esquimalt to Nanaimo, to be part of the trans-continental railway. The question of joining this to the main line was to be left to Canada.

In October, 1870, the new constitution which gave a partially elected Council was made public; and elections were held. It was this Council which was to pass finally the Confederation terms. While DeCosmos resented the partial liberty that had been granted, nevertheless he ran for Victoria district where he was returned by acclamation.

This Council passed an address to Her Majesty asking for admission to the Dominion, adding a resolution to provide for connecting Victoria and Esquimalt with the Pacific Railway. The main business of the House was, however, the passing of a bill to alter the constitution of British Columbia to suit the needs of responsible government. In framing this bill there was placed a money qualification on voting and DeCosmos objected, saying of its framers, "that betrays their political stupidity in measuring out political rights on a mere money basis, as though honour, patriotism, intelligence and manhood were indissolubly allied with dollars."³⁸

He even more strongly objected to the Permanent Civil List Bill, which placed some sixty people on permanent salaries.³⁹ He said this "virtually perpetuates two classes in the country, secured officials on the one side, and the people distrusted on the other."⁴⁰

³⁷ The *Daily Standard* was the successor to the *Evening News*. DeCosmos made it a morning paper in opposition to the *Colonist*. The *Colonist* had changed greatly from the days when DeCosmos owned it. At first under M'Clure it was favourable to DeCosmos, but in 1866, Higgins and De Long, two free port men owned it and from that time it was against DeCosmos. Robson, an enemy of his, edited it at this time.

³⁸ *Daily Standard*, Feb. 22, 1871.

³⁹ *Laws of B.C.*, 1871. No. 160. An Act to Provide for a Permanent Civil List. Mar. 27, 1871.

⁴⁰ *Daily Standard*, Mar. 15, 1871.

He attempted to alter it to include only the heads of departments, but this was defeated. He declared it an attempt to violate a great principle of the British Constitution, "the right of the people to control the public purse."⁴¹

The Confederation terms were accepted in the Dominion House, and on July 21, 1871, British Columbia became part of the Dominion. It was five years since DeCosmos had first brought the idea forward in legislative circles and throughout that time he had been active in support of it. In 1871 he had accomplished the two great aims of his life—he saw his adopted province as the most westerly link in the British North American Federation. Moreover British Columbia had won what was the due of every British colony, self-government, and it could now develop these institutions in the great Confederation.

Dual representation was allowed at that time and DeCosmos took advantage of it to run for both Houses. He was successful in both elections. He declared his intention of supporting the Macdonald government, since it had favoured British Columbia's entry into the dominion, but he did not pledge his continued support.

In provincial politics, he opposed the Governor's choice of McCreight as premier since he was an opponent of responsible government. There was also the feeling that since he had been merely acting Attorney-General when he was elected, and since the new ministry had been formed after the election, he should seek re-election as a permanent member of the cabinet. DeCosmos did not hesitate to ridicule McCreight for his mistakes and, while admitting his programme was progressive, could not forbear to make one thrust. "To ask the country to judge them by the measures that other men have matured and which they have appropriated,—would be like asking one to receive a notorious thief as a gentleman, simply because he presented himself in the fine dress clothes of a citizen from whom he had stolen them."⁴²

DeCosmos did not stay for the opening of the Provincial Assembly, and was criticized for his desertion of the province at a time when his presence there might have defeated McCreight. However, he had made the decision which he consistently followed, he chose the larger field always as more important and more worthy of his efforts. His reason for leaving early was connected with the terminus of the railway. From the very beginning DeCosmos occupied himself with this question which he put first, throughout his time at Ottawa. In this session he was able to secure the promise

⁴¹ *Ibid*, Mar. 31, 1871.

⁴² *Daily Standard*, Jan. 16, 1872.

from the government that they would use the Esquimalt route, if practicable, and that in any case, the railway would be extended to Vancouver Island and a ferry service provided.⁴³

The second session of the Legislative Assembly began at the end of 1872, with the McCreight government still in power although it was not well-supported. With DeCosmos present to lead the opposition, no one was surprised that the government was defeated early in the session. Immediately DeCosmos was chosen to lead the new government with Walkem, a late member of the former cabinet, as his colleague. DeCosmos was criticized for not forming a direct party government and it seems that it was not consistent with his own views on party government. The difficulty was that the opposition was in a majority merely to defeat McCreight and then broke into cliques. DeCosmos chose men with a broad view, who could work together, and who had shown themselves capable of liberal ideas. Although he did not establish a party government he did establish a strong government which survived for many years, the pitfalls that beset the path of a new province. His programme was "conservative and Loyal," but it included many courageous principles, particularly a direct blow against one of the evils of the province, the excessive expenditure on officials' salaries. The most important accomplishment of his government was in finally establishing responsible government. Until this time the Governor had attended all executive meetings but he soon found that he was not welcome in the new Cabinet. Consequently from that time British Columbia carried on its executive meetings according to the practices of the mother country.

DeCosmos soon returned to Ottawa to renew the railway controversy. He received the definite assurance from Sir John A. Macdonald that the pledge of the session before, regarding Esquimalt as the terminus, would be carried out,⁴⁴ and later he was able to report that an order-in-council had been issued to adopt this route.

During this session DeCosmos gained some fame in Ottawa for his speech on uniting Canada with the United Kingdom, or failing that, to form an independent and sovereign nation. He definitely repudiated the idea of annexation to the United States.

On his return to Victoria he found that the topic of interest was the graving dock. In the terms of union the Dominion Government had guaranteed the interest on a sum for the construction of

⁴³ *Ibid*, June 21, 1872. Quoted from the *Toronto Mail*. Speech of Langevin, Minister of Public Works.

⁴⁴ *Daily Standard*, April 29, 1873. House of Commons, April 4.

that dock, not exceeding one hundred thousand pounds sterling, for a term of ten years. The Provincial House now decided that it would be more advantageous to ask for a direct grant from both Dominion and Imperial Parliaments. DeCosmos was sent as a special agent to negotiate these loans.⁴⁵ His negotiations were delayed in Ottawa by the special session called to deal with the charges against Macdonald. Eventually the Mackenzie government promised to submit the British Columbia proposals to Parliament. With this promise, DeCosmos left for England, where he was less successful, but managed to secure a small loan.

He then returned to Victoria, to discover that at the opening of the Legislature the Governor had protested against the breach of the railway terms, since the railway had not been started, although the two years' limit was up. The answer received from Mackenzie was that he would attempt to modify the terms. The fear of the province that this would happen increased the difficulties surrounding the graving dock loan. In order to secure the loans from the Dominion government it was necessary to modify the terms of union. This attempt was opposed by the opposition in the house, and they made a counter proposal that no modification in the terms be allowed unless there was a reference to the people. This proposal was taken up by the people of Victoria and a large meeting was held to express this opinion. During the meeting, information was received that the House was at that moment modifying the terms. In their excitement the people adjourned in a body to the House, forced their way in, threatening DeCosmos and his government, and eventually causing the Speaker to leave the chair. Order was finally secured and a petition was presented to the House, embodying these opinions. After discussion it was voted that no alteration in the railway clause should be permitted until it was submitted to the people. The government then was able to secure modification of the terms dealing with the graving dock.

The *Colonist* accused DeCosmos of being the sole cause of the trouble and said that, through fear of the people, he had resigned his seat. The reason for his resignation was the Dual Representation Bill,⁴⁶ which prevented a man from running for the Dominion House if his province did not allow dual representation.⁴⁷ Immediately after his resignation, DeCosmos ran again for the Dominion elections which were being held. He ran as an Independent, although his paper was for Mackenzie, and he was returned.

⁴⁵ *Daily Standard*, June 12, 1873.

⁴⁶ Costigan Act of 1872.

⁴⁷ Feb. 21, 1873, British Columbia had passed a Dual Representation Bill.

During this session of the Provincial Legislature, Robson began a discussion of the Texada Island Scandal, accusing DeCosmos and his government of questionable proceedings with regard to the island. Eventually a Royal Commission, 1874, exonerated DeCosmos of any dishonourable actions, although it admitted that there were suspicious circumstances surrounding the matter.

At Ottawa, DeCosmos continued to concentrate his attention on the railway and protested against its non-construction. He showed at that time that he was on the side of Mackenzie. Conditions changed, however, within the year. Difficulties arose between Walkem's and Mackenzie's governments over the railway, which were supposed to be settled by the Carnarvon terms. These terms provided for the building of an Esquimalt-Nanaimo Railway as a government road, to become part of the main line if Esquimalt should prove suitable as the terminus. The Government brought in a bill regarding this, and spoke of the line as compensation. DeCosmos objected to this word, saying that from the beginning Esquimalt had been chosen as the terminus, therefore the line was definitely part of the Pacific Railway. The bill was defeated in the Senate, chiefly due to speeches of members of Walkem's government, which gave the impression that British Columbia would accept no modification of the railway terms. The defeat of the bill created great discontent in British Columbia but the government there refused compensation in money and showed rather a desire for separation. DeCosmos voiced the dissatisfaction of the people of British Columbia in the Dominion House, but it was felt that he was unfair to the government, and his vote of censure was defeated.

Lord Dufferin improved matters in British Columbia by his visit there but, when in 1878, nothing had been done, the British Columbia government passed a motion for separation. DeCosmos had warned the Dominion House that this would happen, and he had spoken of the danger of annexation, whereby Canada would lose the Pacific seaboard. Due to the excitement over the defeat of the Mackenzie government nothing resulted from the separation motion.

Before the government's defeat, a definite choice was made of the Fraser Valley route and Esquimalt was dropped as the terminus. Although Macdonald did not at first accept this decision,⁴⁸ eventually in 1880, he decided on Fraser Valley.⁴⁹ The British Columbia government would not accept defeat and appealed to the Crown.

⁴⁸ *Debates, Canadian House of Commons*, May 10, 1879.

⁴⁹ *Ibid*, April 15, 1880.

DeCosmos was sent to England but he was not successful in securing anything but a suggestion to the Canadian government that they compensate in some way, which was refused. This was the last time that the railway controversy entered into DeCosmos's affairs, except during his election campaign in 1882. His work in this affair had been consistent and determined, but practically fruitless, simply because the ends were impracticable.⁵⁰

His last important speech in the House was on Canada's independence and it may be compared with the last political speech of Howe's, for the effect it had. It arose out of a debate on commercial treaties. He felt that Canada should have the right to negotiate her own. He spoke of the time when Canada would be independent, although he said that the time had not yet come, since she must first round out her territories. He even definitely said that the Imperial Government was incapable of doing the business of Canada—an advanced statement in 1882. In the election of 1882 his opponents made much of his independence speech and it was instrumental in defeating him, along with the feeling that he had outlived his usefulness as a member, and the desire for someone to represent them who would work more congenially with the powers at Ottawa. DeCosmos had undoubtedly been at odds with the government practically all the time he had been at Ottawa, but most men would have been, under the circumstances. Nevertheless the fact that better times seemed to be approaching made it necessary that Victoria be represented by someone who had no legacy of bad feeling to overcome. Mr. Sproat blamed his failure to receive the rewards that he and his friends expected him to secure to his lack of diplomacy. He summed up his career by saying, "taking his career throughout no Pacific Seaboard man has equalled his length of service at Ottawa as an elected representative, and I think it may be said of him truly, that the province so far has not sent to the capital any greater member of parliament."⁵¹

DeCosmos retired from public life in 1882 and although he remained in Victoria until his death in 1897, in the last years of his life his mind was clouded by insanity, and the events of these years lowered his prestige in the eyes of Victorians. Mr. Boggs has said, "Had DeCosmos died twenty years earlier he would have been looked upon as one of the foremost statesmen of the West; but he lived too long, he left no descendants to keep his name before posterity,

⁵⁰ DeCosmos's other important work at Ottawa is that he was the first of a long line of B.C. members to advocate the expulsion of Orientals. His efforts in this matter were practically fruitless.

⁵¹ Sproat, Gilbert M., "A Singular Figure in British Columbia Politics." *Victoria Daily Times*, Jan. 19, 1906.

and being so to speak, outside the Fort, the Great Company, which he so persistently fought would hardly be expected to record his work."⁵²

In summing up DeCosmos's character and life, one is faced with a problem. Was he consistent? Or was he merely furthering his own ambitions at the expense of his country, if necessary? Numerous examples of his inconsistency may be found. He fought for responsible government and then sacrificed it to the question of union; but with the bigger question of Confederation he put responsible government first. Yet responsible government was eventually secured, through no direct means of his. On the railway question he had also been inconsistent—declaring that it was too much to ask the Dominion government to build a railway across the continent and then spending the rest of his legislative career in attempting to have them do even more, and carry it to Esquimalt. These are examples of his inconsistency, but one feels that these were caused by force of circumstances, and that though he acted mistakenly, maybe foolishly, he certainly did not act any more in his own interests than those of his country. His mistakes were mistakes in judgment, not in public-spiritedness.

Inconsistent in these things, in one particular he stands out as never inconsistent—that is in his creation of public opinion and public interest in the great questions of the day, through his newspaper. If DeCosmos can not claim the honour of having won the battle for responsible government, there is no doubt that to him, more than to any other man, must be given the credit for first bringing the idea into British Columbians' minds, through forceful editorial and criticisms of the existing order. He had faith in the people as no man in British Columbia before him had. Consequently he gave them faith in themselves and their own powers of governing themselves. In British Columbia he represents, as no other did, the Canadian, as opposed to the English or Company point of view. It is idle to compare him to Howe and Baldwin but it may be said that he fought a similar battle, in different circumstances and with less happy results, but with as strong a character and as outstanding a personality.

Compared to his contemporaries in British Columbia DeCosmos looms large as a figure, both distinctive and colorful, with the understanding, forethought, and originality, which dwarf the petty squabbings and childish aspirations of many of his fellow British Columbians. He consistently kept his aim before him—although

⁵² Boggs, Beaumont, *Op. Cit.*, p. 58.

seemingly inconsistent because of local conditions—a free press, and an enlightened public which would take an intelligent interest in the growth of free institutions, which he hoped to win for the province. Having won these objectives, DeCosmos finally worked to build a new nation of Canadians, which would have a distinct personality, and vie with the Americans to the South, while remaining under British institutions.

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