GOVERNOR ANTHONY MUSGRAVE, CONFEDERATION, AND THE CHALLENGE OF RESPONSIBLE GOVERNMENT

by

KENT MacLEAN HAWORTH

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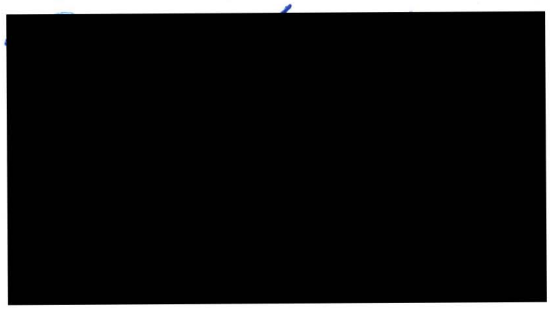
ABSTRACT

Supervisor: Professor James E. Hendrickson

A history of the administration of British Columbia under its last governor, Anthony Musgrave, has been neglected by writers anxious to consider the dominant issue of the period: the colony's entry into confederation. Musgrave has been treated in a secondary, even "accidental" way in much the same manner as Donald Creighton, writing in the Canadian Historical Review, XXIX (1), March 1948, supposed scholars to have treated Sir John A. Macdonald: "They have, so to speak, walked all around Macdonald without troubling to look at him. They have taken him for granted, mainly because they were preoccupied with other matters, partly because they assumed they knew all about him anyway." Similarly, most writers have not recognized Musgrave's impact on the colony if only because they treated him as one of many different objects in the chronicling of their main subject, the confederation story. As a result, confederation as an issue has dominated the period's historiography, while the personalities affecting confederation and affected by it have been largely neglected.

This thesis focuses on the administration of Anthony Musgrave in British Columbia, not only in terms of political developments from 1869 to 1871, but in the broader context of his childhood enviornment, his prior administrative experience in the West Indies, and in Newfoundland. A careful, determined administrator, Musgrave sometimes viewed his role

as a colonial governor in the latter half of the nineteenth century to be more powerful than it actually was. In Newfoundland, a colony with responsible government, he was limited in the degree of influence he held over the direction of the colony, while in British Columbia, where the governor was unrestrained by the politics of both representative and responsible government, he managed his subordinates and the affairs of the colony at his own discretion. Musgrave was also intent upon correct form and procedures in an administrative as well as a social setting. His efforts to pump new life into a demoralized colonial administration in British Columbia, as well as his preoccupation with preserving the supremacy and dignity of the Queen's representative in the colonies reflected these characteristics. His success in preventing the inauguration of responsible government in British Columbia until its confederation with Canada was a measure of his political skill. Finally, an important ingredient in Musgrave's failure in Newfoundland and his success in British Columbia <u>vis-à-vis</u> confederation was the support he received from his superiors at the Colonial Office. Their reticence to stand solidly behind the course he sought to chart in Newfoundland was in distinct contrast to their positive responses to his initiatives in British Columbia. By the end of his tenure in British Columbia, his own ambitions had been realized, Sir John A. Macdonald's dreams fulfilled, and a young colony's destiny conceived.



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None of the above mentioned are responsible for the thesis in its present form. For the errors in facts and interpretations I assume total responsibility.

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CHAPTER 1: Experiences in the West Indies

"Can you tell me anything about the new Governor — le roi est mort vive le roi."

Henry P. P. Crease, 1869.

On 10 June 1869 Frederick Seymour, governor of the united colony of British Columbia, died aboard the Sparrowhawk off Bella Coola after arbitrating a dispute among Indians. The event was propitious. The Colonial Office received notice of Seymour's death by telegram from Philip James Hankin, Colonial Secretary, senior member of the Executive Council, and the officer in charge of the colony on 15 June 1869. The same day Lord Granville, Secretary of State for the Colonies, cabled Governor Anthony Musgrave of Newfoundland: "Governor of British Columbia is dead. You will succeed. Prepare to leave on receiving Commission by next mail."[1] The extraordinary sense of urgency conveyed by Lord Granville's telegram was reinforced in a covering despatch that affirmed his desire for Musgrave's quick succession to the government of British Columbia, even to the point of providing him with a Lieutenant-Governor's Commission to allow him to undertake official duties immediately upon his arrival in the colony. Granville considered that the state of affairs in British Columbia made the presence of a governor "very necessary" and instructed Musgrave to leave Newfoundland for British Columbia "at the earliest moment."[2]

Musgrave cabled for permission to go to England to consult with Colonial Office officials but the Colonial Office was adamant. "Question of leave," they cabled regretfully, "may arise later."[3] So ordered, the governor of Newfoundland packed his belongings in haste.

The Imperial government had acted decisively. Within twenty-four hours of receiving notice of Seymour's death it had appointed a successor, instructed him to leave at once, and simultaneously announced the new appointment to the people of British Columbia. Thus Anthony Musgrave was presented with his second opportunity of shepherding a British North American colony into confederation with the Dominion of Canada. And British Columbia would, for the second time in its brief history, be governed by a native of the West Indies.

* * *

Anthony Musgrave was born in Antigua, 31 August 1828, amidst the forces of federation and anti-federation in the Leeward Islands. Antigua was one of four administrative divisions in the Leeward Island chain, which had been discovered by Columbus in 1493 and settled by the British from St. Kitts in 1632. From 1671 to 1747 the British made Antigua the seat of government of the Leeward Islands and appointed a deputy governor to be responsible for local administration. In the eighteenth century, attempts to establish a general federation of the Islands (St. Kitts, Nevis, Montserrat, and Antigua) failed, and each remained independently governed by a lieutenant-governor, council, and assembly, with a captain-general overseeing the lesser islands. By 1833 the Secretary of State for the Colonies was urging greater consolidation, and the four islands, plus Dominica, were again linked through the institution of a

common Governor-in-Chief. In spite of the initiative of the Colonial Office, sectional jealousies remained strong, and efforts to amalgamate the general councils and assemblies were unsuccessful until 1871.[4]

The Musgrave family was well established in the West Indies. Anthony's great grandfather, William, was a resident of Montserrat and for a time President of its Council;[5] his three sons also served at various times on the Council of Montserrat. Christopher, Anthony's grandfather, was a merchant and held the post of Registrar and Member of Council in 1792. Two of Christopher Musgrave's three sons held positions in the public service of Antigua. William entered the English Bar in 1814 and eventually became Attorney General of Antigua and later Judge at the Cape Colony where he died. Anthony's father, also named Anthony, received a Doctor of Physic degree from the University of Edinburgh and presented his diploma to the Council of Antigua on 1 December 1814.[6] He eventually became senior partner in the firm of Drs. Musgrave, Nicholson & Son, "the leading physicians in Antigua."[7] From 1825 to 1852, when he died, Dr. Musgrave served as treasurer of Antigua with a salary of approximately £500 per year. He also owned an estate of 305 acres, which, along with his private fees as a doctor and salary as treasurer, permitted him to invest to varying degrees in the education of his six sons and four daughters borne by his

marriage in 1820 to Mary Harris Sheriff. William, his first son, died of fever when he was only 19 and a medical student at Edinburgh.[8]

Burnthorn, his second son, became a landowner. He was described by a contemporary as a "thoughtful young man, sedate and pious, possess/ing/ fine talents and a well cultivated mind."[9] However, like so many West Indian sugar planters who saw their fortunes suffer in the mid-nineteenth century, Burnthorn emigrated to Aylesford, Kings County, Nova Scotia in 1870, where he remained until his death in 1894.[10]

Anthony, the third son, received a "strictly orthodox" education at one of Antigua's grammar schools, followed by what his father regarded as a better education in Great Britain.[11] On 14 September, just twenty-two years of age, he was appointed private secretary to Robert James Mackintosh, then governor-in-chief of the Leeward Islands. Musgrave was private secretary to the governor for a year until on 14 April 1851 he was admitted as a student to the Inner Temple, London.[12] His legal studies were abandoned upon the death of his father in February 1852. He remained in Antigua after the funeral and accepted in the same year a post as treasury accountant in the department his father had served for twenty-seven years.[13] As a colonial offical he was placed in close proximity to special stipendiary magistrate Frederick Seymour, who had been appointed in 1848 to supervise emancipation of Antigua's slaves.[14] It was no doubt

here, in Antigua's public service, that a relationship between the two began that continued as they crossed each other's paths while mounting the ladder of colonial service in the British West Indies.

On 3 August 1854 Musgrave married Christiana Elizabeth Byam, the daughter of the Hon. Sir William Byam, Bart. of Cedar Hill, Antigua, and agent for the island of Barbuda. In the same year, as Seymour was assuming the presidency of Nevis, Musgrave accepted the appointment of Colonial Secretary of Antigua.[15] Christiana died in January 1859, shortly after the birth of their second child, Francis Edward, who would later die in Newfoundland in 1868. In October 1860 he accepted an appointment as Acting President of Nevis. Six months later the Secretary of State, Henry Pelham Clinton, the fifth Duke of Newcastle, transferred him to a comparable post in St. Vincent, where on 2 April 1861 he became administrator of the government in the absence of the Governor and the Lieutenant Governor.[16]

Notice was soon taken of Musgrave's abilities. Newcastle, impressed with Musgrave's "capacity and zeal," commissioned him to become Lieutenant Governor of St. Vincent on 10 May 1862, expressing the hope "that the same administrative qualities which have already commended themselves to my notice may be further developed during your tenure of office, and may justify the selection which I have made."[17] St. Vincent was one of five islands

in the Windward Island chain (including Barbados, St. Lucia, Grenada, and Tobago) each with a governor responsible to a Governor-in-Chief resident in Barbados.[18] Musgrave's administration of the island was not without its difficulties. In September 1862 rioting erupted over the decision of some estate managers to lower wages and terminate the sugar and rum allowances. Musgrave felt compelled to put down the riot with all the means at his disposal. Over two hundred persons were arrested. Questions were raised in the British House of Commons over Musgrave's handling of the episode, but Newcastle stood by his officer, and published an extensive parliamentary paper absolving Musgrave of any impropriety.[19]

By the time of his transfer to Nevis in 1860, Anthony Musgrave had spent almost 32 years of his life on his native Antigua, save for brief intervals of study in England. The years 1828 to 1860 were eventful days in Antigua's history. The Golden Age of the West Indies was all but over. Prone to drought and hurricanes, Antigua demanded persistent enterprise from those like the Musgraves who stayed on. In 1843, when Anthony was fifteen years old, the island suffered one of its most destructive earthquakes. But in the view of one visitor to the island, these very severeties of environment made the island's inhabitants industrious, frugal and foresighted: "When man can live without care, we are sure he will live idly; ease and

indolence are everywhere associated, and most of all in a tropical climate, where rest is considered luxury."[20]

When Antigua's slaves were freed by the Emancipation Act of 1833, significant changes were inevitably woven into the fabric of Antiguan society. A society of slaves and master was replaced with a tenant-employer relationship, and plantations were increasingly run by attorneys for absentee landlords. For a time creole planters like Musgrave's brother Burnthorn, along with the peasant farmer and native politician, gradually replaced the white oligarchy of the pre-emancipation society.[21] That even this new planter class was in rapid decline by 1860 is evident from the numerous appeals to Musgrave in those years for financial support from his relatives in Antigua and from Burnthorn's decision to emigrate to Nova Scotia.[22]

It is generally recognized that Antigua treated its slaves more humanely than its neighbours. Unrest and dissatisfaction with emancipation in many of the islands was less evident in Antigua and the colony did not implement the apprenticeship system that provided for a more gradual transition to total freedom.[23] Antigua seemed to be less resistant to the outside liberal influences that occasioned fierce reaction in other colonies, and these liberal sentiments concerning race were maintained by Anthony Musgrave throughout his life.[24]

However liberal in racial sentiment Antigua may have been, she remained, like the other West Indian colonies, a ward of the Colonial Office, ruled by a governor and a few creole estate managers.[25] Absenteeism, emancipation, and declining revenues all contributed to the decay of representative institutions in the West Indies through the nineteenth century.[26] Gradually representative government in Britain's West Indian possessions was abolished as colonial assemblies reverted to direct government by the Crown.

Anthony Musgrave was very much the product of the social and political milieu in which he grew up, and the colonial administrative setting in which he worked had considerable implications for his next two appointments in British North America. Given his familial and marital connections, Musgrave adhered closely to the conservative political views of Antigua's ruling class. For this he was rewarded with promotions through the colonial service in the West Indies at a time when power was being returned to the hands of the Crown's representative. His appointment to the governorship of Newfoundland came at a time when the Colonial Office increasingly considered competent administrative ability as an important criteria for promotion.[27] As a result of his high standing in Antiguan society and a consistently steady administrative record, Musgrave won recognition and promotion. Promotion, however, presumed

greater demands. Serving amid the factious atmosphere of resonsible government in Newfoundland was an experience to which Musgrave was thoroughly unaccustomed, and one that demanded considerable adjustment in his administrative style. His eventual appointment to British Columbia with its quasi-representative institutions would prove to be a refreshing changein which he would be allowed far greater scope to engage his more-than-competent administrative abilities.

CHAPTER 2: Newfoundland Ponders Confederation

"I should fancy the Nflders w^{d} be rather slow in making up their minds."

Arthur Blackwood, 1865.

Discussions of Newfoundland's political history from 1864 to 1869 have focused upon the colony's hesitant consideration of confederation from 1864 and its rejection of the measure by the election of 1869. Accounts of the period provide sufficient explanations why the people and government of Newfoundland were reluctant to consider the proposal.[1] Yet the issue has dominated the history of the period, even though two elections showed the colony was not disposed to commit itself to the measure. In the face of a number of signals to the contrary, Governor Anthony Musgrave remained confident that Newfoundland would become part of the new Dominion once the results of the 1865 election, and later, the 1869 election, were known. A close examination of Musgrave's participation in the politics of the period suggests therefore that without his influence Newfoundland would not have become so close to joining Canada as it did. But could a governor have such influence in a colony with responsible government?

Judge D. W. Prowse, a Newfoundland historian and publicist who lived through Musgrave's tenure as governor, has written the most complete account of the island's history[2] and characterized Musgrave as "a good writer, and an amiable man, who made few enemies. . . . /who/ never, however, had any real power or influence in Newfoundland."[3] On the other hand, in retrospect, Musgrave had quite another view of his role as governor: "In Newfoundland scarcely any matter

was decided except by the Governor in Council and frequently where difference of opinion prevailed among ministers it was left to me by agreement to decide the points."[4] Whether one accepts the views of Prowse or Musgrave respecting the governor's role in Newfoundland's history from 1864 to 1869 depends upon an assessment of the governor's impact on the political framework extant during the period.[5] Musgrave's experience prior to 1864 suggests that he would not assume a very passive role in Newfoundland's political affairs from 1864 to 1869. A selected number of episodes in Newfoundland's political history reinforces the view that Musgrave did actively intervene in the politics of the period, and was not at all bound by the constraints of responsible government in his wish to see Newfoundland join the rest of Canada. And his administrative experience in Newfoundland significantly benefitted his term of office in British Columbia.

* * *

The Duke of Newcastle recommended Musgrave's appointment as Sir Alexander Bannerman's successor just prior to Edward Cardwell's assumption of the office of Secretary of State for the Colonies on 4 April 1864. Musgrave promptly accepted and prepared to leave St. Vincent for England prior to taking up his new appointment. He was staying at Wooton Wood near Liverpool when he received official notification on 12 September 1864 of his appointment as "Governor and

Commander in Chief in and over the Island of Newfoundland and its Dependencies."[6] By this time he had already made arrangements to sail aboard the Royal Mail Steam Packet Asia scheduled to depart on the seventeenth for Halifax where he would join his sisters, Francis and Zöe, who had travelled via St. Thomas and Bermuda to meet him in Nova Scotia. On 5 October 1864 Musgrave reported his arrival in Newfoundland.[7]

Musgrave assumed the administration of the government of Newfoundland at a time when proposals for first a maritime union, and then a larger federal union of all British North American Colonies were being contemplated. Prowse claims that Musgrave came to Newfoundland "with the full assurance of carrying confederation."[8] Newcastle had secured promotions for Musgrave in the past, was a proponent of maritime union, and had already instructed Richard Graves Macdonnell, the governor of Nova Scotia, to encourage maritime union.[9] There is no direct evidence to show that Musgrave had discussed these issues privately with the Colonial Office, but he must have been alive to these events unfolding in British North America as he prepared to take up his new post. Cardwell also fully supported the movement for federation and did much to smooth the way for the Canadian Ministers to propose a broader scheme of union at Charlottetown in September and at Quebec in October. The Quebec Conference was convened when Musgrave arrived in Newfoundland.[10]

As Musgrave later told Lord Monck, the Governor-General of Canada, he was a "strong Confederate, not only upon general principles, but," more practically, "because unless we accept the alternatives of Union and consequent reconstruction of our political organization I see something not much better than political chaos brewing in the not distant future."[11] For Musgrave, confederation and constitutional reform went hand in hand. It is not surprising therefore that he joined these two issues in his first despatch on the subject of confederation. On 3 December 1864 Edward Cardwell had urged all the governors in British North America to have their colonial legislatures consider the resolutions of the Quebec Conference respecting confederation. Musgrave responded promptly, publishing the Secretary of State's despatch, predicting a favourable response to the proposal, and assuring Lord Monck of his "cordial cooperation in your efforts to complete an arrangement which I believe to be fraught with so great future advantages to this colony in common with the rest of the North American possessions of the Crown."[12] He next raised what he considered to be "the most important detail in the arrangement . . . that on the union of the Provinces a modification of the local legislative constitution would be very desireable, if not absolutely necessary as a matter of economy." While admitting the question would spark considerable debate, he indicated his desire to see the government of the colony revert to

a single house legislature.[13]

Newfoundland's constitutional history had indeed been stormy. The British first established it as a colony in 1824 (though settled long before this by both French and English) and granted representative institutions in 1832. Political deadlock ensued and resulted in the suspension of the colony's constitution in 1842, but representative institutions with an "unworkable two house legislature" were restored six years later.[14] Clamour for responsible government resulted in its implementation on 25 May 1855, and the new constitution provided for a governor, legislative council (appointed for life by the premier), an elected assembly, and an executive council nominated by the premier and responsible to the House. This constitutional setting was a distinct contrast to the strictly hierarchical nature of British West Indian society and government where representative institutions were being abolished and replaced with Crown Colony government.[15] It is not surprising therefore that throughout his tenure as governor of Newfoundland, Musgrave saw confederation as a solution to Newfoundland's grave constitutional problems.

The Colonial Office looked favourably upon Musgrave's recommendations. "The Govt of Newfoundland never went on so smoothly and the commercial affairs of the colony so prosperously," remarked Arthur Blackwood, senior clerk in the North American Department, "as during the time when the

Council and Assembly were amalgamated in one Body."[16] The Under Secretary of State, Chichester Fortescue, agreed and supported Musgrave's proposal, noting that "it wd. be desirable that he should promote that object by any means within his power — and, if possible procure the settlement of the question without the delay of a general election."[17] Musgrave's view of colonial elections was shared by Downing Street, which considered a reference to the people a mere formality.[18]

Musgrave's first speech to the colonial legislature indicated his desire for a greater scope of action, and he confessed to the Secretary of State that he had permitted himself "more freedom in the expression of my opinion on some subjects than has been usual on the part of the Governor since the establishment of Responsible Government."[19] But as the debates in the council and assembly wore on through the spring, it became clear that despite Musgrave's wishes, the government would not make decisions until after the general election in the fall.[20] Musgrave soon realized he would have to exercise caution when dealing with the question of confederation. "Any attempt to force the acceptance of the project [upon the Legislature]," he told Cardwell, "would have only ensured defeat."[21] Educating people to the advantages of confederation was important; moreover, Musgrave believed there was no compelling urgency as the other provinces had yet to determine their own courses

of action on the issue. Confronted with this modified state of affairs, the Colonial Office resigned itself to letting the governor and his advisers be "the best judges as to the wisdom of pressing confederation."[22]

There is little doubt that Musgrave's tour of duty in Newfoundland impressed upon him the importance of a governor being alive to public sentiment.[23] This was particularly true in the matter of colonial appointments — such as the position of Chief Justice, which Musgrave had to fill upon the retirement of Sir Francis Brady. Although Musgrave believed that the community would have benefitted most by a man who had neither practiced at the local bar nor participated in party politics, he was prepared to compromise his feelings and defer to precedent by recommending the premier and attorney general, Hugh William Hoyles, who had been nominated by his party. Hoyles was highly regarded in Newfoundland and respected as well by the Colonial Office as "quite the best man in Nfld, & none much better in B. N. A."[24] With notice of Hoyles' appointment Musgrave proposed to the Crown that Hoyles also be given a knighthood. Hoyles' elevation to the Bench was met with "unqualified satisfaction" among all political and religious sections of the community and Musgrave now saw an opportunity to use Imperial honors to cement this already well-received appointment to the confederation question, even if it meant stepping beyond his "legitimate functions."[25]

Taking the initiative again, as he had done in his opening speech to his Assembly, Musgrave pressed the Colonial Office to bestow regal honors upon the recently appointed Chief Justice.[26] Musgrave wished to take advantage of a popular appointment and enhance it with a view to consolidating public support for confederation. "It would not be without good effect on the tone of public feeling as between the colonists and the Imperial Government," he urged, "which it seems desireable to encourage having reference to the projected confederation of the Provinces."[27]

Hoyles' appointment also necessitated other changes in the government, and Musgrave recognized the importance of placing the right man in the right places to ensure a stable executive that might calmly entertain and accept a motion for confederation. Given the strongly sectarian nature of past Newfoundland ggovernments (Roman Catholic majorities from 1855 to 1861 and Protestant majorities thereafter) Musgrave considered it incumbent upon him to "discoutenance the establishment of any administration upon a religious basis, and to use my influence to bring about such a cooperation of the most influential men from both sides as may confer strength upon the action of the Executive Department."[28] Musgrave thus welcomed the selection of F. B. T. Carter to replace Hoyles as Attorney General. Carter, who had been speaker of the Assembly and a delegate

to the Quebec conference, was a popular choice, respected by his fellow Protestants and popular with the opposition as well. Musgrave was aware of the importance of using his power of patronage to obtain support of the men "whose cooperation it is desired to secure."[29] On that basis two vacant positions on the Board of Council were filled by two Roman Catholics, Ambrose Shea and John Kent. Shea had been a delegate to the Quebec conference, was leader of the opposition, and enjoyed the confidence of the Roman Catholic community. The pro-confederate Kent had once been premier of Newfoundland. With these appointments Musgrave confidently reported "that the administration so constructed will prove the most effective for good which it has yet been found practicable to establish since the introduction of Responsible Government."[30]

Downing Street was pleased with Musgrave's actions. He appeared to be "painstaking and thoughtful . . . and at all events, whatever may be the result of his actions, he has the merit of enabling us to understand what his circumstances and projects are."[31] Although Cardwell was disappointed that the Newfoundland Assembly would not adopt immediately the proposal for confederation of the British North American Provinces, he believed that the coalition engineered by Carter and the governor augured well for a "good and harmonious administration."[32] Musgrave stressed it would be crucial to coddle the Assembly because exerting too much pressure

could alienate the constituencies.[33] With remarkable foresight Musgrave predicted the very danger he hoped to avoid:

> A very large proportion of the population are still so ignorant of the subject or its bearings upon their interests, that they could easily be misled by the mis-representations of the designing among the needy unscrupulous politicians so numerous in these Colonies who if the opportunity were afforded to them would be ready to use it for grasping at power by persuading the masses that an attempt is being made to deprive them of their liberties. And it would not be difficult by incaution to produce a state of public feeling which would not only postpone indefinitely any federal arrangement but very seriously embarrass the judicious conduct of local affairs for some time to come.[34]

Confederation, then, had to be inculcated throughout the electorate but kept out of the realm of party politics. The government would have to proceed cautiously and judiciously, and Imperial support was vital to the success of the measure.[35] To counteract the opposition of the business community, which strongly opposed confederation, Musgrave insisted upon publishing official despatches, sometimes to the extreme exasperation of the Colonial Office.[36]

Musgrave expected that Newfoundlanders would be influenced by the positions taken by the other colonies, particularly Nova Scotia and New Brunswick, and he bluntly criticized the "impudent haste" of an election in New Brunswick in which the Unionist forces had suffered defeat.[37] A year later, in 1865, Musgrave criticized the governor of Nova Scotia for omitting all mention of the

subject in his Speech from the Throne.[38]

Following the election in Newfoundland in November 1865, Musgrave felt the return of a solid majority in the Assembly made the new Ministry "unquestionably much stronger than any previously organized since the introduction of 'Responsible Government'."[39] He continued to avoid arousing "factious opposition" in the new legislature, while maintaining "a gentle pressure towards the consideration of the measure."[40] Musgrave recognized from certain resolutions passed in the House that the election had changed nothing with respect to confederation. The members were reluctant to accept the radical changes that confederation would bring to a society of so conservative a persuasion.[41] It was also clear by the end of the spring session of 1866 that the supporters of confederation in the colony were not disposed to press their views, and Musgrave was not prepared to go so far as to prorogue the Legislature. "Temporary inaction," he decided, could do no harm, and caution could "eventually assist in effecting the final settlement of the question."[42]

While taking pains to show he was prepared to bide his time, Musgrave nevertheless desired more political clout than he then possessed. By now it was becoming evident that Newfoundlanders were unimpressed with the Imperial government's avowed support of confederation, a fact that Musgrave had sought repeatedly to enunciate. To Cardwell

he suggested that he might "turn the screws," should circumstances warrant it, if the Colonial Office threatened to withhold annual expenditures on the maintenance of the naval Garrison at St. John's and the Ships of War that protected the fisheries. "If a section of the community, working upon the ignorance of the mass of the population, should persist in opposing an arrangement which is viewed with favour by the nation and has received the deliberate approval of the Imperial Government," Musgrave argued, "the proposition would not be unreasonable that Newfoundland should at least also assert her independence of support from Imperial funds as well of Imperial control."[43] Of course this proposal "should not appear to have its origins in a suggestion from me, but as emanating from yourself," he advised the Secretary of State.[44] The Colonial Office wisely ignored the proposal, recognizing that the use of force in Newfoundland might well stimulate opposition in New Brunswick, Nova Scotia, and Prince Edward Island.

But Musgrave persisted. He continued to believe that a stronger expression of Imperial policy with regard to confederation would spur the Newfoundland legislature into adopting the measure and thereby rid the population of their "ignorant persistence in the policy of isolation." Newfoundlanders believed that the Imperial government was apathetic toward confederation and consequently that they would not suffer by remaining separate. To dispel this sentiment,

Musgrave thought it incumbent upon the home government to state frankly that confederation could not be turned down "without the loss of advantages at present enjoyed, and which it is too readily assumed are to be retained at the cost of the Imperial Government."[45]

Lord Carnarvon, the new Secretary of State, doubted that the time had yet arrived for the Crown to exert such pressure. Arthur Blackwood also questioned the prudence of "writing such very strong despatches to a weak colony. They can scarcely fail to be construed as a menace. And," Blackwood countenanced, "upon this subject especially I should deprecate anything like violence."[46] Blackwood pointed out that the initiative for Union had sprung from the colonies, "and if it is not voluntarily and cordially entertained by the colonies it may fail — in which case it will have been better for us to have written nothing which might be regretted." Blackwood therefore concluded that Musgrave did not fully "understand the art of persuading the Newfoundlanders to like the scheme."[47]

Sir Frederic Rogers was not inclined to be so hard on the governor. "No doubt governors, like other people, are apt to cry for help — and to imagine that the difficulties in other places are less than their own," he believed. Musgrave did not "generally shew helplessness" and consequently Rogers felt some importance should be attached to Musgrave's statements. If confederation would benefit the present colonists in Newfoundland more than it would Great Britain or "<u>future</u>

Newfoundlanders," Rogers wrote, the Imperial government ought to press the issue. But, he concluded, "I think the present is not a moment for doing this because our tone on this point must be adjusted to out tone on the fishing question . . . ."[48]

This French Shore Question had plagued successive colonial and Imperial governments for two centuries. While France had recognized British rights over Newfoundland in the Treaty of Utrecht in 1713, it received permission from the British to continue its traditional fishery on the north and west coast of the island, otherwise known as the "French Shore." Now the issue became a thorn in the side of those attempting to bring Newfoundland into confederation. The fact that Frederic Rogers was not prepared to support Musgrave in his request for a strong stand on the part of the Imperial government in support of confederation lends credence to the view that if the French Shore question could have been solved by Canada, Newfoundland might have been carried into confederation.[49] The view can be substantiated by the comments of Lord Carnarvon, who believed that it was desireable to have the question settled "because when confederation is concluded the difficulty of a settlement will probably be greater. But they are complicated; difficult; and of very many years standing, and an arrangement to be hoped for rather than counted on."[50] The Colonial Office was not optimistic about the early resolution of the French Shore question, and

thus not genuinely anxious to see Newfoundland join confederation. Although Canada lacked any international status, Downing Street saw the prospect of a new negotiator as a further snag to an already complicated diplomatic problem.

In January 1867, the Colonial Office entertained the delegates of the four provinces who had come to London to discuss confederation. At the same time Newfoundlanders were petitioning Musgrave, praying that the question of confederation should be referred to the elctorate at a general election. Musgrave was also advised by his executive to avoid mentioning the subject in his speech opening the 1867 session of the legislature. Nevertheless he was optimistic that if the results of the negotiations in London were favourable, Newfoundland would seriously consider entering the union.[51]

At the close of the session in April 1867, Musgrave reported no progress towards union of the colony: his ministers had decided to wait to see how the union worked for the provinces already federated and to wait until sentiment in favour of union spread throughout the community. Newfoundlanders were particularly concerned about the effect of the Canadian tariff on the other colonies. If it did not present overwhleming problems, Musgrave had little doubt "that on the next meeting of the Legislature the subject may be brought forward with the prospect of a satisfactory issue."[52] His optimism continued through the summer and into the fall of 1867, when he reported

the principle of union had been "almost universally" conceded and that only the terms of Newfoundland's entry needed yet to be arranged.[53] Indeed, Musgrave went so far as to claim that the local government was so confident that the question would be successfully concluded during the ensuing session, that it wished to make only "a very temporary arrangement" for the Sea Postal Service for the coming year.[54]

Serious doubts began to creep into Musgrave's bouyant despatches by the late fall of 1867 when Joseph Howe led the Anti-Confederates in Nova Scotia to victory in both federal and provincial elections in that province. Musgrave had been convinced that if things went well in the other provinces Newfoundland could have settled the question of confederation satisfactorily in the spring session of the legislature in 1868:[55] now the defeat of the unionists in Nova Scotia adversely influenced Newfoundland's "waverers who were almost converted."[56] Musgrave was keenly disappointed. Charles Tupper's failure to estimate "the force and depth of public feeling" in Nova Scotia "and especially upon the point of reference to the Constituencies" had defeated the government in Nova Scotia and wrecked havoc with his own efforts to consolidate sentiment in favour of confederation. Nevertheless, if he could get agreement on the principle of union by the Newfoundland legislature and negotiate suitable terms, Musgrave had no qualms about presenting the measure to the

electorate.[57] As to the question of terms, Musgrave believed that a favourable alteration of the terms drawn up at the Quebec Conference would satisfy the Newfoundlanders and result in a settlement of all differences.[58]

Musgrave expressed a strong desire to confer with Lord Monck and other Canadian officials personally on the whole matter of confederation.[59] Lord Monck responded with an invitation to visit Ottawa for the first session of the new Canadian parliament on 6 November 1867.[60] While in Ottawa Musgrave spent long hours in private discussions with Lord Monck and Macdonald negotiating terms of admission to union that he hoped would be acceptable to his council and House of Assembly.[61] He left Ottawa in early December, confident that at the next session the Newfoundland legislature would accept the new terms "which though embracing some variation from the first proposal submitted to them will involve no concession from the rest of the Dominion which the Government may not fairly be expected to grant, to the exceptional position and character of the community of Newfoundland."[62]

Musgrave realized anew the virtual impotence of a governor in a colony with responsible government. He was thoroughly frustrated by the repeated delays of his advisers on an issue he strongly supported, not only on general principle but on grounds that without a modification of Newfoundland's political constitution, political

chaos was inevitable.[63] He had worked hard to secure a coalition of the various factious parties for the purpose of bringing Newfoundland into confederation, but he recognized its delicate and fragile condition. Motives were suspected, prominent men mistrusted.[64] He found it not a very cheering prospect to see his government on the verge of collapse and himself powerless to do anything to halt it. For himself and "the intelligent members of the community," responsible government in Newfoundland had clearly failed.[65]

But Musgrave was not prepared to sit back quietly and let Newfoundland return to "irresponsible government." Instead, he preferred to fight his battle "upon the field of confederation than on any other,"[66] and serve as best he could as "mediator or arbitrator" among the divisiveness and indecision of his advisors. "The only rational hope," he stressed, "is in confederation with the other provinces; which would afford an opportunity for reducing the local constitution to dimensions which would render it really more useful for the transaction of the business of the country, and more in keeping with its revenues and resources."[67] Still, by the end of the session in May 1868, Musgrave was forced to admit to Downing Street that he could not force the issue on the Assembly. To do so would seriously jeopardize the cause of confederation in the colony. Agitation against confederation in Nova Scotia had weakened the resolve of Newfoundland members who favoured

confederation in principle, but practically they realized that a defeat in the Assembly on the issue would have aroused increased antagonism against confederation in Nova Scotia as well as in Newfoundland.

The startling candour with which Musgrave stated his problems and those of the colony did not greatly disturb the Colonial Office. It agreed that forcing confederation on the legislature would be unwise and — what is more revealing — they really did not think it worth pressing further. Since the raising of the French Shore problem they had been most non-committal in supporting Musgrave and confederation, and now they were openly skeptical of its advantages to the colony.[68] T. F. Elliot admitted that Musgrave's explanations for urging Newfoundland into confederation for the purposes of constitutional revision were "the first practical reasons which I have ever seen suggested for desiring its Union with Canada,"[69] but he believed that "the questions we have with the French in Newfoundland render it desirable to have direct relations between the Colony and the Home Government; and much embarrassment might arise if we had to deal upon those questions with so powerful a Community as Canada." And with a perception and realism that comes from detachment he added, "Canada has little trade or intercourse that I ever heard of with Newfoundland, and the people of the two Colonies must be pretty nearly unknown to one another at all events."[70]

While Musgrave may have been disenchanted with the way events had gone in Newfoundland, he continued to express confidence that the colony would ultimately join Canada: "It is only a matter of time and arrangement: and the bother in Nova Scotia shows that often nothing is gained by being in a hurry."[71] By early summer in 1868 he again tried to use his influence with Macdonald to arrange to have Halifax steamers stop at Newfoundland on their way from England. As he put it to Macdonald, "sometimes in fishing you have to give the fish a little ground bait beforehand to bring them to your lure. I think it might have that effect as regards Union if well managed."[72] To make clear that such arrangement would depend upon the colony's acceptance of confederation, Musgrave suggested that the service should be discontinued if the colony rejected confederation. Clearly, the governor of Newfoundland was not prepared to abandon his efforts, even if the home government was no longer very interested: "When we come in," he wrote to a friend, "I hope it will be with good humour, and without afterclaps. At least this is what I wish to accomplish."[73]

In the early summer of 1868, Musgrave's attention was abruptly diverted from his official duties by a personal tragedy, the death of his second son, Francis Edward, from malignant diptheria. Although his son's loss was a severe blow, Musgrave was not "among those who find relief to sorrow in talking of their affliction."[74] Francis' death caused

Musgrave to postpone for two months a planned leave of absence for which he had applied in April so that he might visit England "on some private affairs."[75] Musgrave did not specify the nature of his business, but he apparently intended to meet with Cyrus Field, who was in London at the time, and to "renew an acquaintance /he/ would not willingly let die."[76] Musgrave had established an acquaintance with the Field family and in 1867 had met Cyrus' niece, Miss Jeannie Lucinda Field, the daughter of David Dudley Field, an eminent American lawyer and jurist.[77] Jeannie was also with her uncle in London, a companion for his youngest daughter.[78] When Musgrave returned to England in August, he doubtless sought to develop his friendship with Jeannie, a relationship that eventually resulted in marriage at San Francisco in 1870.

Aside from private affairs, Musgrave also hoped to arrange a mail contract for Newfoundland and to discuss the French Shore questions with both the Colonial Office and the Foreign Office.[79] In London the new Secretary of State for the Colonies, the Duke of Buckingham, invited him to spend two days at Stowe to discuss confederation and the French fishing treaties.[80] Serious negotiations had been resumed with the French, but the talks were protracted, and by the middle of October, Buckingham requested Musgrave to remain for at least two additional weeks as "the question will have to pass through several

French offices, and they do not move quickly."[81] Musgrave finally left England on 19 December charged with furnishing a report, after consultation with his advisers, respecting grants of land on the French Shore.[82]

After a "miserable" voyage of sixteen days "through an almost incessant storm"[83] Musgrave arrived back in Newfoundland on 4 January. Prospects seemed brighter for the new year. A change of government in Britain produced yet another Secretary of State, Lord Granville, who appeared more favourably disposed to the question of confederation than his predecessor. Musgrave was confident that the new legislature would actively work for confederation.[84] After the opening of the session, he advised Granville that "the Assembly for the first time express their readiness for Confederation with the other provinces on what may be settled as equitable terms, and from other sources of information I am aware that the majority of the Legislature now assent to the principle of Union and are willing to make proposals to Canada as to the arrangements by which it is to be effected."[85] This optimism seemed to be justified because throughout the session there were increasing expressions of public acceptance of confederation.[86] Now, as far as Musgrave was concerned, it was just a matter of terms. Granville also was pleased and suggested that perhaps "a civil word" might be directed to the man who had "contributed much to the result."[87]

So confident was Musgrave that Newfoundland would join Canada, he raised the matter of his future employment with the Colonial Office.[88] A month earlier he had asked Macdonald to permit him first refusal of the office of lieutenant governor of Newfoundland. He knew he could expect a promotion within the colonial service, but it might be long in coming and he preferred to stay in Newfoundland "than be unemployed."[89] Moreover, he argued that his appointment as Newfoundland's first lieutenant governor would prevent latent sectional jealousies sure to arise if a colonist was appointed in his place.[90] After learning that Seymour's term as governor in British Columbia was about to expire, he asked the Colonial Office to consider him as Seymour's successor, basing his claim on his exerpience in working for confederation in Newfoundland.[91] He stressed that his personal fortunes should not be overlooked by the Secretary of State noting that "it would bear hardly upon me, if after having successfully assisted in carrying out the important arrangement which has been warmly promoted by Her Majesty's government, the effect upon myself should be my removal from employment."[92] Sir Frederic Rogers noted Musgrave's application and admitted that he was one of their "most promising Governors — safely to be recommended for promotion." He also recognized the "inconvenience" of the petition, doubtless referring to Seymour's removal before his time was up in British Columbia, a move the Canadian government

would soon strongly advocate.[93]

Musgrave expected that once terms were decided upon the people would accept them in a general election.[94] In May a delegation from Newfoundland departed for Ottawa to present resolutions passed by the legislature respecting the terms of union. Musgrave recognized that some modifications would have to be made but anticipated "no insuperable difficulty in arriving at agreement with the Canadian government upon the points of substantial importance."[95] He remained sanguine that confederation was inevitable, indeed, virtually accomplished. Six days before Seymour's sudden death Sir Frederick Rogers stated that if Musgrave accomplished confederation, "he will have a fair claim to speedy re-employment."[96]

Governor Seymour's sudden death naturally hastened Musgrave's appointment to British Columbia. He made arrangements to leave Newfoundland on 8 July. Uncertain whether he could take the Pacific Railway or would have to go via Panama, he asked the Colonial Office to allow him the full £800 passage allowance as he considered the cost of his transfer from Newfoundland to be at least as great as if he had proceeded from there.[97] In the meantime, Musgrave recommended to the Colonial Office that the officer administering the colony in his absence "should be one unconnected with present local parties, yet distinctly and cordially supporting the policy of confederation."[98]

Appointing the present president of the Council, he believed, would be construed "as indicating indifference to the result of the movement now in progress and the effect of the supposition will be injurious." For once the Colonial Office was one step ahead of Musgrave, having already appointed Colonel Stephen J. Hill, who had also applied for the vacant British Columbia post.[99]

On 8 July, Musgrave sailed as planned for Halifax and Victoria. A number of valedictory addresses were presented to him prior to his departure, among them one from his Executive Council commending him for his "ability, and integrity," for "strict observance" of constitutional principles, and for "the impartiality and fairness which guided you in all our deliberations."[100] In reply, Musgrave admitted that he took special pride in having been able to "promote harmony and good will" and to "substitute cooperation for opposition." He emphasized to them his own conviction "that no labor for the good of the country of your birth or adoption is likely to bear richer fruit in the future than that which is bestowed to consolidate the Union of these Provinces."[101]

Musgrave was particularly gratified by an address from some of the residents of St. John's, which succinctly described their view of the governor's place in Newfoundland's political arena in the mid-1860's:

> In a Colony where Responsible Government prevails

> there is necessarily less scope for the display by a Governor of those qualities the exercise of which ordinarily constitute excellence in the management of public affairs; but even there one holding that position may do much by side Council to strengthen the hands of the local Administration in the promotion of the general good; by judicious consideration to reconcile contending parties and lessen political strife, and it is but just that we should record our opinion not only that Your Excellency has labored successfully for these ends whilst maintaining at all times a strict observance of constitutional principle but that you have given reason for the confident expectation that in another sphere with greater powers and responsibilities Your Administration will be such as again to merit the approbation of our Sovereign and largely to promote the prosperity of the people over whom you have been appointed to preside.[102]

Certainly Governor Musgrave would relish the "greater powers and responsibilities" that would devolve upon him once again as the governor of a crown colony.

Governor Hill assumed his new duties a little more than a week after his predecessor had left. The two men met in Halifax, and Musgrave confidently informed him that Newfoundland would join Canada once the new Assembly met.[103] But upon his arrival in Newfoundland Hill found opinions very divided, "and some members of the government," he reported, "entertain grave doubts as to the result of the Elections proving favourable to confederation."[104] In a private letter to the chief clerk in the North American Department of the Colonial Office, he noted a week before the election how difficult it would be for the "uneducated poor fishermen" to know which way to vote: "The Anti's do not hesitate to indulge in any untruth that may mislead our ignorant people

and if they vote against their own interest it is hardly to be wondered at."[105]

With the election the confederate cause came and went. The anti-confederates took twenty seats to the confederate's nine. Hill was thoroughly disgusted with the result and blamed the state of Newfoundland society: "The mass of the voters in this colony . . . are an ignorant, lawless, prejudiced body, the majority of whom living as they do in the Outposts in almost a primitive state of existence, are unfit subjects for educated and intellectual men to attempt to reason with one the advantages of Confederation." Consequently, Hill charged, "it was a fatal error to have submitted to such a population the decision of such an important undertaking as the Union of this Country with Canada."[106] This could be taken as criticism of Musgrave's handling of the affair, but Musgrave had recognized, as did Sir John A. Macdonald and the Canadian government, that to have proceeded without reference to the people would surely have invited defeat as it had in Nova Scotia. The failure of the confederate cause could not be laid entirely on Musgrave. The Colonial Office had not acted wholeheartedly in support of its representatives. The uncertainty about the French Shore and the future maintenance of the military garrison at Halifax did not help to dispel anxieties held by the supporters of confederation. Indeed, the largely passive role the Colonial Office played throughout the four years

prior to the 1869 election was in large measure responsible for the misrepresentations flaunted by the opponents of union and used with good effect on what Governor Hill characterized as "an ignorant mob, totally devoid of judgement."[107]

In desperation, Hill suggested that Newfoundland should be coerced into confederation. Recognizing the undesireability of such a course, Lord Granville advised Hill to act loyally toward his new ministers who might have different views from his own.[108] When Sir Frederic Rogers cautioned that Hill would need "a little steering to prevent his doing too much or too little," Lord Granville agreed.[109]

Musgrave had certainly not required steering in Newfoundland. He had worked incessantly, even when sentiment for confederation on all fronts was at a low ebb. His repreated efforts to keep the issue alive with his Executive Council, which he had fashioned from disparate and antagonistic elements, had brought the question close to fruition. He had persisted amid the lack lustre support of imperial statesmen more concerned with the grander questions of international diplomacy inherent in the French Shore question.

With the whole issue of Newfoundland and confederation in ruins at the end of 1869, the Colonial Office could but ask themselves why Musgrave had been transferred. They preferred to put responsibility for the failure not on Musgrave or

themselves but on the Canadians. As Lord Granville's private secretary noted, "The transfer of Mr. M. from Newfoundland to B. C. was at the direc/tion/ of the Canadian authorities who thought themselves secure of Newfoundland, and wished to push on with[t] delay. I am disposed to think that they were precipitate."[110]

CHAPTER 3: Boosting Morale in a Despondent Colony

"Many matters seem to me to be in a dreadful mess . . . ."

Anthony Musgrave, 1870.

The arrival of Governor Musgrave in British Columbia was announced with H. M. S. Satellite's guns at 8 o'clock on the morning of 23 August 1869. Although Victoria had been awaiting his arrival for more than three months, and for the past week the Colonist had been speculating almost daily about the exact day of his coming, the city was caught unprepared. The Moses Taylor (alias the Rolling Moses)[1] had arrived early from Portland where Musgrave, his two sisters, Fanny and Zöe, and a nephew, Anthony Musgrave Jr.[2] had stayed overnight, the guests of Mr. Ben Holladay, the ship's owner.[3] Musgrave's long journey had been a significant one. Musgrave had left St. John's on 8 July aboard the mail steamer Jamieson. After discussing Newfoundland's affairs with Colonel Hill in Halifax, he continued to New York City, arriving there on the 18th in time to book a ticket on the "Wasatch," Pullman's palatial railway car advertised to depart New York for San Francisco on 25 July.[4] His New York visit also permitted him to ask Jeannie Field for her hand in marriage and make plans for a wedding the following spring.[5] By the time he had arrived in San Francisco he had to marvel at the way Americans had bound their nation together with steel rails. He had already been impressed with American technology in Newfoundland when Cyrus Field's New York, Newfoundland and London Telegraph Company had succeeded in linking two continents with a telegraph cable. Now, as governor of

British Columbia, he was charged with uniting politically that colony with Canada, and his trip west made him recognize the value of a railway in promoting a strong political link. But he soon discovered that the temper of the colony demanded considerable cultivation to raise it to a point where it might view confederation as an object to be desired.

Musgrave's first public appearance produced a favourable impression upon a generally despondent colony. There had been a growing gulf between the governing and the governed. Among government officials there was little initiative, which could largely be attributed to Governor Frederick Seymour's lack of resolve on numerous significant matters. His vacillation and indecision had left many officials dissatisfied; union and transfer of the colony's capital had left others despondent. Far from confident about its future, the colony looked for a bold leader, a decisive administrator, one capable of dealing with a bloated civil list and a depleted treasury.[6] As Chief Justice Joseph Needham administered the oath of office in the court room Musgrave perceived an air of expectation among the colonists who crowded the Court room and heard him pledge allegiance to the Crown in a "clear and emphatic tone."[7] Attorney General Henry P. P. Crease, one of the most despairing of colonial officials, confided to George Anthony Walkem that he was impressed with Musgrave's manner: "the effect produced was

agreeable which is what I judge by."[8]

Once he assumed office, Musgrave notified the Secretary of State by telegram of his safe arrival and that all was well in the colony.[9] British Columbia was in fact remarkably tranquil. The interregnum had presented its administrator, Phillip James Hankin, with few problems. There was concern about a feared invasion of 2000 Fenians from San Francisco led by George Francis Train, which had prompted the Stipendiary Magistrate of Victoria, Augustus Pemberton, to propose despatching Indian patrols along the hills from Cordova Bay to Victoria Harbour given "the menacing attitude of America towards England at present."[10] Mr. Train's brief "visit" to Victoria in July occasioned no disturbance, and Musgrave was able to report "that any fear of Fenian raids or such disturbances seems not to have had much foundation."[11]

Musgrave inherited several problems left over from Seymour's administration. One of the first was the question of the governor's salary. The Secretary of State had promised not to reject any application Musgrave might make to reduce the governor's salary from £4000 to £3000 as it had been "a matter of complaint in the colony."[12] In April 1865 the colonial legislature had increased Seymour's salary from £3000 to £4000, plus up to £1000 for travelling expenses. But when Musgrave enquired into the matter he learned that Seymour had been taking an additional £1000 from the Crown Fund of

Vancouver Island, making his total income £5000 plus expenses. The only sanction Musgrave could find for such action was a private letter from Lord Carnarvon to Seymour dated 13 August 1866 of which neither he, nor the Colonial Office, had any record.[13] Musgrave was not himself prepared to take the extra £1000 without authorization, but he had to determine whether Hankin, as the officer administering the colony for three months, was entitled to half of Seymour's authorized salary of £4000, or half of the additional amount.

Musgrave's enquiry had, perhaps knowingly, raised an issue that had been left simmering in the files of the Colonial Office. After enquiries of Lord Carnarvon and the Treasury Department, the Secretary of State determined that Hankin should receive his emolument at the rate of £2000 and Musgrave at £4000 per annum, in other words, at the rate sanctioned by the Ordinance of 1865.[14] A search through previous correspondence revealed that while Carnarvon may have written privately to Governor Seymour suggesting a pay increase, it was clear from a letter drafted to the Treasury two months later that he had decided not to authorize the additional amount.[15] Seymour nevertheless proceeded to draw the additional sum on the strength of Carnarvon's expressed intention. The Colonial Office considered Seymour's action highly questionable. "If Seymour had lived," Rogers minuted, "it would have been a question

what notice ought to have been taken of this irreuglarity as a matter of official discipline."[16] When Musgrave sent home the audited accounts of the Vancouver Island Crown Fund in the summer of 1870, the exact amount to which Seymour had helped himself was revealed: a total of $12,421, of which $4,742 had been paid to his executor. Rogers contemplated approaching Seymour's widow for the funds but both Lord Granville and his successor Lord Kimberley agreed that under the circumstances the matter should be allowed to lapse.[17] Still, Rogers remained steadfast in his view that had Seymour still been in the service "he should have been . ... rebuked for helping himself. But there is no use in rebuking his wife and executors; so I wd say no more about the matter."[18]

The unsavory salary business had fortunate consequences for Musgrave. He had appealed the suggestion of the Secretary of State that his salary should be reduced arguing that since the colony would enter confederation "at no distant period" there was no reason to alter the existing schedule of fees. Furthermore, he complained, the cost of living was fifty to one hundred percent higher than in Newfoundland where he had enjoyed additional allowances.[19] In these circumstances a reduction of £1000 would place him at "serious disadvantage" in terms of his predecessor's position and hence he asked to be allowed to continue to receive £4000. He suggested £1000 might still be drawn from

the Vancouver Island Crown Fund, thereby reducing the fixed establishment by £1000, and at least make a gesture of meeting the demands of the colonists for a reduction in the governor's salary.[20] Lord Granville rejected this proposal, agreeing to maintain Musgrave's salary at £4000, no part of which could be drawn from the Crown Fund. Should his Council move to reduce the governor's salary, Musgrave was advised to point out he had already effected a reduction by ceasing to draw £1000 from the Crown Fund as Seymour had done.[21]

Musgrave was much relieved at this decision about his salary because he was already in debt. Just prior to his departure from Newfoundland, he had applied for a loan of £600 in addition to a £600 he had already incurred with the Standard Life Assurance Company.[22] Moreover, his brother Burnthorn and his sister and brother-in-law were pressing him to relinquish part of the trust fund monies his father had willed to him.[23] He was also being hounded by his brother James' creditors and in March 1869 had sought an extension of credit until he could secure the additional £600 from Standard Life. With his new appointment to the "Sanitarium of the Pacific" and with the loan secured, he was anxious to clear his brother's liabilities. To his brother-in-law he confessed that although he had been obliged to borrow still more money, his financial position was then "better than it has been."[24] By the spring of 1870, the revelations of

Seymour's impropriety permitted Musgrave to salvage his initially authorized salary and thereby place him on a more sound financial footing than he might otherwise have found himself. It also pointed up the neglect with which Seymour had handled the colony's affairs. By failing to initiate legislation that would have put the Vancouver Island Crown Fund under the control of the colony, he was able to make withdrawals on the Fund for his own purposes and with no accountability to the legislature. When the 1870 session of the Legislative Council passed a Land Act transferring the Vancouver Island crown lands to the colony, Musgrave recommended that the balance of the Crown Fund be left to the local government once confederation had been effected.[25]

Another matter Seymour had mismanaged was the dual judicial system. The Act of Union of 1866 had omitted any reference to the amalgamation of the Supreme Court of Vancouver Island and British Columbia. This left two supreme court judges to decide cases in one colony. Their inability to cooperate made such a situation intolerable for the smooth working of the judicial establishment and provided a lively topic for conversation among the gossips of the united colony. Judge Begbie maintained that the Act of Union abolished the jurisdiction of the Vancouver Island court. Governor Seymour and his Attorney General, Henry Crease, were inclined to agree with him.[26] On the other hand, Chief Justice Needham argued that the Order-

in-Coucnil of 1856 establishing the Supreme Court of Civil Justice on Vancouver Island remained operative following unification of the colonies. To these personal differences and legal distinctions were injected the sectional allegiances of the colonists, the mainlanders supporting Judge Begbie and the Vancouver Islanders siding with Chief Justice Needham. Throughout, Seymour tried to please everyone, satisfied no one, and let the problem smoulder. In 1867 the Law Advisors to the Colonial Office had prepared a Draft Ordinance for the Secretary of State as a suggested mode of getting out of the difficulties presented by the problem of dual jurisdiction.[27] But Seymour, his Attorney General, Begbie and Needham raised objections to the scheme in order to force the removal of Justice Needham, or so the Colonial Office believed.[28] Downing Street had drafted the ordinance as a guide to the colonial lgeislature, instructing Seymour to have the Legislative Council alter it to suit the particular ciraumstances of the situation.[29] But "like naughty children," Rogers complained, the legislature adopted it wholesale and then made "a grievance of the defects of detail wh. if real, they ought to have removed."[30]

Musgrave had to address himself to this state of affairs when he received his first deputation on 3 September 1869, less than two weeks after his arrival. Prominent representatives of the legal profession in the colony met with Musgrave to discuss the vexatious situation. They

complained that the 1869 ordinance had not settled the question of concurrent jurisdiction and they also urged the establishment of a local court of appeals.[31] They concluded their interview with the hope that the governor would have "both the nerve and will to grapple promptly" with this long-standing irritant. When Musgrave discussed the matter with his executive council, which had appealed to the Colonial Office against the arbitrary imposition of the Draft Ordinance on the colony, he was amazed to learn that Seymour had never shown them the Secretary of State's communication (No. 40, 26 June 1868) permitting alterations to the Draft Ordinance. Nor had Seymour submitted to London a report of the legislative council on the matter.[32] Until they discovered they had not been given the full story by their former governor, they, like a number of colonists, had considered Downing Street's intervention to be another case of "cramming inoperative bills . . . down the throats of the people's representatives."[33]

Musgrave was anxious to have the matter settled. In a confidential despatch to Lord Granville, he lamented the fact that the ordinance had been passed arbitrarily by government members "voting contrary to their own opinions and in ignorance of the Despatch No. 40."[34] In a separate communication on the same day he suggested a possible solution if the two judges were to remain in the colony but confidentially urged that one of them be removed.[35] The question was more

than a mere judicial anomaly. It had become an object of ridicule by the American Secretary of State, William Seward, on a recent visit to the colony; and forcing the colony to legislate against its will certainly did not foster "feelings of loyalty for the parent State."[36] If Musgrave was to win whole-hearted support for confederation this long-standing irritant had to be resolved. As "an impartial observer who had no concern with the misconceptions and complications arising out of the Union of the Colonies," Musgrave was determined not to permit the "private pique or personal difference /of/ English Gentlemen " to interfere with his mission to bring British Columbia into confederation.[37]

The Colonial Office regretted Seymour's "neglect of duty," which had already led to "some ill-feeling" and might easily have led to great "complications."[38] Considering the effect of such sins of omission on the colony, and contemplating their future repercussions, Frederic Rogers ordered an immediate "expression of regret . . . that Governor Seymour withheld from the Executive and Legislative Council the Despatch of 26 June 1868."[39] Moreover, in response to Musgrave's request, Needham was offered and accepted the chief justiceship of Trinidad which cleared the way to a unified judicial system.[40] Musgrave then introduced to the legislative council an ordinance merging the two courts. This measure was

introduced on 19 Arpil 1870, passed by the council the next day, and assented to on 22 April 1870.[41] Four years of relentless grievance was thus resolved in four days.

There were many other pressing matters of administration confronting Musgrave during his first six months in office. His five years as governor in a colony with responsible government, where many of the functions of governor were perfunctory, contrasted markedly to the situation in which he now found himself. Harrassed by the "most exasperating interruptions" he told David Dudley Field, "I have scarcely had time to enjoy this place yet."[42] Lord Granville had requested his "serious attention" to Seymour's disregard for instructions in drawing up the Estimates and Revenues for 1869;[43] the Crown Agents complained that the colony's financial position was "imperfectly understood" by the colonists;[44] the colony was without a treasurer, the post having been filled by a clerk "who has given no security for the safe custody of the Public Monies";[45] and no reply had been made to enquiries from the Secretary of State respecting revised postal arrangements for the colony.[46] All of these oversights represented a style of administration that Musgrave intended to alter.

With the colony's finances in a precarious state, he was not disposed to entertain any request for additional expenditure on staff for government offices. A request from Attorney General Crease for an office messenger was turned

down, with the suggestion that a messenger from some other department could assist him "as to cleaning office, lighting fires, etc."[47] Committed to economy, Musgrave rejected a request from Auditor General Robert Ker for extra pay for work incurred because of the resignation of his clerk. Musgrave was appalled by this attitude among government servants:

> I utterly disapprove of the principle involved that Public Officers are to consider themselves entitled to additional remuneration for 'extra hours,' which in fact places them upon the footing of day labourers. I myself as a Departmental official have not only worked late in the night to keep the work of my office up, but have employed extra assistance at my own cost.[48]

Musgrave suggested Ker arrange to have either the colonial secretary or the Treasury Department furnish extra clerical help. Ker felt unduly chastised. He had not appointed another clerk, he explained, in order to practice the very economies Musgrave was now urging. Nevertheless, when he repeated his application for extra remuneration for Mr. Holmes, his first clerk, who had worked extra hours, Musgrave again refused to recognize that there was "such a thing as 'extra work' in any Public Department for which the officials already employed in that Department are to be specially paid."[49] The governor was clearly exasperated by this attitude which seemed to prevail in more than one of his departments and reprimanded Ker particularly for allowing the work in his department to

fall so far behind as to necessitate extra help or extra pay: "I cannot understand why there should be all this slowness about public business in the Gov't — I have been a Treasury Accountant myself and have served in other Public Depts., and I cannot comprehend why there should be so very much work in the Auditor's Office."[50]

Affairs in the Treasury Department were equally disturbing. By December 1869 Musgrave had still not received accounts for the quarter ending in March for transmission to the Secretary of State. "It is most reprehensible that the work should be so much in Arrear" he admonished, and demanded an explanation from John Graham, the accountant clerk in the Treasury Office.[51] As a clerk, Graham alone could hardly be blamed for the inadequacies of the Treasury. He explained that limited staff and heavy demands made upon the department during the year contributed to the delay. The inaction of the previous governor to appoint another treasurer or amalgamate the offices of treasurer and collector of customs under a receiver-general[52] had also contributed to the existing state of affairs, as had delays in receipt of accounts from the interior. Without wishing to be "hard" on Graham, Musgrave rejected his explanation for the "great fuss and greater delay" in the preparation of accounts. He saw no reason why returns of revenue and expenditure could not be supplied immediately upon the close of each quarter. "They must in future be so furnished,"

he demanded, and emphasized that "the Expenditure in the out Districts is a mere Bagatelle compared to what is disbursed in Victoria and the Accounts and Vouchers ought to be furnished by the very first post after the close of the Quarter."[53] Such close scrutiny of government departments and their affairs was a considerable departure from Seymour's administration, and word quickly spread of the governor's penchant for correct form and attention to detail.[54]

Musgrave also found affairs in the Post Office Department unsatisfactory. A request from Arthur Bushby, the acting postmaster general, for a fresh supply of United States stamps dumbfounded the governor, who had "never heard of anything so undignified in any other ~~Colony~~ place as importing the Stamps of a foreign nation for use on a British Colony."[55] He could find no local regulations on the "extraordinary practice" and considered a memo by Charles Good, clerk of the Legislative Council, to be of no use. Then he accidentally discovered a despatch relative to the matter from Granville to Seymour dated 26 February 1869 on which no action had been taken. Musgrave reproved Colonial Secretary Phillip J. Hankin for such neglect. If Hankin had told him of its existence, Musgrave stated, "it would have enabled the removal of all the anomalies of our postal relations to the U. S. and established by this time an improved system much to our advantage. As it is six months

have been lost."[56] All Hankin could muster in his defence was ignorance: "I never saw the despatch in my life, or heard of it."[57]

The first six months of Musgrave's administration witnessed an abrupt departure from Seymour's legacy of vacillation and indecision. The colony had been demoralized through neglect, the colonists had unfairly disparaged the Colonial Office for causing most of their problems when the source of many difficulties could be traced chiefly to Seymour's administration, which saw a basically sound administrative framework established by Governor James Douglas deteriorate into what Musgrave described privately as "a dreadful mess . . . understood by nobody."[58] "Yet," he confessed, "it is difficult to make these things plain without appearing to cast blame on one's predecessor."[59] Yet Musgrave was not about to dwell on the mistakes of the past. If the colonists wanted leadership he was more than prepared to act. Too long harnessed by the restraints of responsible government, he warmed to the challenge of leading rather than being drawn.

CHAPTER 4: Making Confederation Respectable

" . . . We should be saved from our friends rather than our enemies."

Anthony Musgrave, 1869.

Several events during the spring of 1869 made British Columbia's entry into confederation inevitable. Lord Granville's succession to the position of Secretary of State for the Colonies, Canada's acquisition of Rupert's Land and the Northwest, and Anthony Musgrave's appointment as governor of British Columbia were decisive influences upon the colony's decision to join the Dominion in the spring of 1869. Yet, the "respectable" leaders in the colony, particularly the government officials, were apathetic if not openly hostile to the question and did not hold "the more ardent & interested Confederationists like Amor De Cosmos and his allies in very high regard."[1] Musgrave characterized the Confederationists as people with "their own axes to grind" who "only want Confederation on their terms and with some exceptions they are not men by whom Canada would be proud to be represented."[2] Musgrave's task was clear — to make confederation acceptable to the more respected and dominant elements of the colony. To do so, he directed initial efforts at presenting the measure as a legitimate plank of Government policy, thereby pre-empting it from the socially unacceptable ranks of Canadians, who were neither the most wealthy nor influential and who had "few or no stakes in the hedge and if it came to a definite contest would not prevail."[3]

Before Anthony Musgrave made any substantial assessment of public sentiment respecting confederation, he decided

to visit the important settlements on the mainland, including New Westminster, Yale, Lytton, Barkerville, Clinton, and Kamloops. His tour was a grand success, and he was warmly welcomed alike by miners, farmers, traders, and businessmen. His "disposition to see and judge for himself" as he descended mine shafts and toured farms, the Colonist predicted, "augurs well for the new regime."[4] Musgrave himself perceived a new order dawning for the colony as the population became more settled and the gold seekers, the "scum of population" who brought excitement and speculation but little else, departed.[5]

Musgrave arrived back in Victoria on 14 October, thoroughly exhausted and looking forward to a few weeks' rest. By his own calculations, he had travelled more than 1300 miles "not by railway" he emphasized to Dudley Field, but by just about every other means imagineable, "including a Canoe — and rode more than 280 miles of it in the Saddle."[6] The Governor's presence in most of the major communities on the mainland had impressed many colonists. Their governor surely seemed to be a man of action, earnest, sincere, and concerned as he met numerous deputations on his trip through the country. He had seen more of the colony in the first month of his administration than most would see in six, the Colonist noted, adding that the tour offered "new hope for a long suffering and anxious people."[7]

Musgrave next addressed himself to the important question of confederation. A major irritant among officials in the colony was the fact that residents with "no official status and little social influence" had privately entered into negotiations with Canadian officials.[8] In 1867, the Legislative Council had unanimously passed a resolution put by Amor De Cosmos expressing "the views of the Colonists generally" that Seymour should take immediate steps "to insure the admission of British Columbia into the confederation on fair and equitable terms."[9] That summer De Cosmos went to Canada and private communications between individuals in the colony and officials in the Canadian Ministry appeared in the press.[10] As a result, government officials resented "the irregular way in which private negotiation had usurped the functions of legitimate authority," and misled the home government "as to the real views and wishes of the Colony at large."[11] In response to these unauthorized negotiations officials in the Legislative Council subsequently passed another resolution regarding confederation as undesirable and urging Britain "not to take any decisive steps towards the consummation of such Union."[12] In reportingthis action to the Secretary of State, Trutch and Crease stressed that the resolution was a vote on the impracticability of confederation rather than on its desirability.

When Granville appointed Musgrave to British Columbia, he advised him that the home government regarded confederation as important, but that he should avoid expressions that would appear to overrule the wishes of the colonists.[13] By August, Granville was prepared to state clearly that his government favoured the colony's union with Canada. Recommending that this opinion be publicized to the colony, he urged Musgrave "to take such steps as you properly and constitutionally can, for promoting the favourable consideration of this question."[14] Leaving matters of detail to the governor and the colonists to decide upon, Granville pointed out, as Musgrave already appreciated, "that the constitution of British Columbia will oblige the Governor to enter personally upon many questions. . . . which, in the case of negociation between two Responsible Government he would not be bound to concern himself."[15] Because the substance of Granville's statement was privately communicated by Canadians to certain confederationists in British Columbia, Musgrave was forced to publish Granville's views sooner than he had wished "in order to take the conduct of the matter into my own hands from those of persons who are likely to carry it to a successful issue."[16] These individuals had already caused an adverse vote in the Legislative Council, and the governor did not want a repetition in the next session. Whereas Seymour had allowed others to influence events, Musgrave was determined to direct the course of

events himself.[17] Whereas Seymour had never publicly voiced an opinion on the question to his Executive, Musgrave sought to present the issue as a measure supported by the home government, the Canadian, and British Columbia governments.[18] By placing the issue in the context of a public debate, Musgrave hoped to remove many of the objections held by members of his official family and to seize the initiative for the measure from "a small knot of Canadians"[19] and place it in the more responsible elements in the colony. The future of the existing officials upon confederation, Musgrave knew, presented some difficulties, but they were by no means insurmountable as similar arrangements had been made for officials in the maritime colonies.

Musgrave also believed that once he made it clear that responsible government and a free port for Victoria would not form a part of the confederation proposal, the outspoken enthusiams by the more prominent agitators for the measure would undoubtedly be curtailed. Conversely, the more silent supporters of confederation would be heartened by his resolve to resist the introduction of responsible government and therefore they would lend greater support for the plan. The key to sustaining their support, Musgrave believed, would be for the Dominion to guarantee a wagon road, if not a railway, between the Pacific coast and Canada. His travels on the mainland had convinced him this would not be asking too much "in a colony which by its own unaided energy and resources

has constructed the astonishing road from Yale through the Canyons of the Fraser River . . . ."[20]

Just three days after Musgrave reported on public sentiment regarding confederation, he fell from his horse and suffered a compound fracture of his right leg. The wound was slow to heal and confined him to his bed for the next five months. Not until May 1870 did he appear again in public.[21] In the interval, terms of confederation were drawn up by the Executive Council, presented to the Legislative Council, debated and adopted in Committee through 6 April 1870, and delegates chosen to proceed to Ottawa with the terms agreed upon. During this time, the unsettling question of the judiciary was also resolved, a consolidation of the colony's floating debt proposed,[22] and a modification of the existing constitution submitted to the Colonial Office for its consideration. Clearly, in spite of his accident, Musgrave succeeded in taking the initiative in this crucial period of the colony's history.

Three days before his accident, Musgrave published Granville's despatch of 14 August 1869 in the Government Gazette and the next day in the Colonist.[23] He had already laid the despatch before his Executive Council when its contents engendered "considerable discussion" among the members.[24] The declaration of the Colonial Office must have made a considerable impression upon many of the officials who, like Crease, had hitherto regarded confederation

as a threat. If Musgrave were to gain official support for confederation, the officials would have to be persuaded of its advantages to themselves and to the colony. As late as October 1869 Crease remained unconvinced that confederation would benefit the colony. He remained bitter over the way the Colonial Office had reneged on the location of the capital, which had been transferred to Victoria from New Westminster where Crease had invested heavily. Years later he referred to the move as such "a wound and a sense of deliberate injustice in the minds of the Mainland against the Island that has never entirely healed."[25] Such an event had hardened men like Crease against the Colonial Office and left them highly suspicious of schemes concocted by distant authorities in London, or Canada, and more sensitive to their personal well-being than to that of the colony. The result was a general feeling of indifference that permeated not only the general administration of the colony but some of its more respected administrators, including Seymour. "Now we are threatened with Confederation," Crease wrote early in October 1869, "i.e. to be a distant dependency of a poor and hungry province of the Empire instead of a self-dependent Colony of the Empire directly connected with the parent state. Do you think for a moment that is going to benefit us?"[26] To Crease, and others, including J. S. Helmcken, annexation to the United States was not an inconceivable alternative. Crease believed the uncertainty

and caution that prevailed was holding back the colony's development, "but one can't help feeling that if the Yankees had it in a year it wd be filled with 50,000 men!"[27]

In spite of these private sentiments, within three months Crease and Trutch, if not Dr. Helmcken, were persuaded that the question of confederation was a subject that should be presented, supported, and defended by government officials in the Legislative Council. Indeed, the fact that Crease introduced the question and presented the first arguments in favour of confederation before the Legislative Council is eloquent testimony to Musgrave's influence over his officers. Granville's despatch certainly contributed to this change of heart among officials, and another factor that must have influenced the officials was the by-election in Victoria District Number Two, which was viewed as a popular test of the confederation question.

Electoral District Number Two comprised rural parts of Victoria and Esquimalt, together with Metchosin, Saanich, Sooke, Lake, Saltspring, Chemainus and Cowichan districts. In 1868 Dr. John Chapman Davie defeated Amor De Cosmos, who had advocated confederation. However, Davie's death on 11 May 1869 left the seat vacant and a writ for nominations was issued on 16 November 1869.[28] Amor De Cosmos once again campaigned for nomination and on 2 November 1869

another candidate, James Lowe, issued an address to the electors in the Colonist. Lowe's platform was a structure of caution. In spite of the stated wishes of the Imperial authorities, Lowe considered it "absolutely necessary not to rush into confederation." The farmers had nothing to gain from it and the longer the colony postponed entertaining the question, he argued, the better off the colony would be. "No confederation and protection are my watchwords" he announced to an audience assembled on nomination day. J. D. Pemberton had proposed Lowe's name to the meeting and his nomination had been seconded by Kenneth Mackenzie who noted the farmers were contented enough "without taking another 'leap into the dark' towards confederation."[29] In a similar vein, Alexander Caulfield Anderson, a member of Lowe's campaign committee, had earlier published a letter in the Colonist in which he challenged Granville's assumption that the colonists desired confederation. The farmers dreaded the idea, he asserted, recalling "the bitter experience of what the unconditional surrender of our political standing before entailed upon us."[30]

Harping on the negative aspects of confederation, Lowe used tactics remarkably similar to those Charles Fox Bennett was employing in Newfoundland at precisely the same time.[31] Lowe raised the bogey of the Dominion militia law requiring colonists to bear arms: "you are liable to be dragged . . .

to defend a Fenian raid at Niagara . . . . /Are/ you so anxious to put your head in the noose/?/"[32] The Colonist reported a reply from the crowd to this taunt, which indicated the threat would not affect voters in Victoria the way it had in the outports of Newfoundland: "British subjects don't object to defend their country."[33]

Amor De Cosmos was content to canvass his constituents on a very general pro-confederation platform with terms that would raise revenue for the colony and, for the benefit of his farming constituency, protect industry. To De Cosmos, confederation was synonomous with prosperity, and he urged the farmers to disassociate themselves from the conservatism prevalent in the colony, which would only retard their own prosperity.[34]

The election was held on 2 December and gave De Cosmos a decisive majority of 403 to 118.[35] The Colonist greeted the outcome as an emphatic response in favour of confederation, making anti- onfederation "a played out cause." Viewing union with Canada as inevitable and imminent, the Colonist claimed "all save a very small minority are now willing to unite for the purpose of obtaining the most favourable terms."[36]

The by-election also had to be viewed as a popular endorsement of Granville's despatch of 14 August, particularly in view of the fact that De Cosmos had been defeated in the

same riding only a year earlier. However, De Cosmos' presence in the next session of the Legislative Council did not assist Musgrave in his efforts to have the legislature embrace confederation. If Musgrave and De Cosmos both sought confederation, the means which the governor would have to utilize would necessarily have to follow a different course," he predicted, "without responsible government; & without a Free Port, than according to the Programme which would suit Mr. De Cosmos and his friends."[37]

Musgrave recognized that in order to overcome the opposition to confederation of prominent officials like Crease and Trutch and of the more respected members of the community like Dr. Helmcken, he would have to guarantee security for the former and especially appealing terms for the latter. Musgrave saw that the key to gaining the confidence of both was to ensure adequate provision in the terms of union for present government officials.[38] Concomittant with this provision was Musgrave's determination to oppose the introduction of responsible government in the colony, a position with which men like Crease and Helmcken heartily concurred. Finally, if the Dominion could guarantee construction of a railway to British Columbia, alienation and indifference would soon give way to enthusiasm and earnestness to have the union consummated.[39]

With this strategy in mind, Musgrave convened the

Executive Council in his personal quarters at Government house almost every day from 31 January through the first two weeks of February to discuss the terms upon which British Columbia should enter the Dominion. His fall in November had prevented further disucssion of the subject by the Executive Council, but while he had been recuperating he appointed two non-officials to that body: Dr. Helmcken, "perhaps the oldest and most influential among the members of the Legislature for Vancouver's Island," and R. W. W. Carrall, "the most important /representative/ on the Mainland."[40] To Sir John A. Macdonald, Musgrave admitted that "Dr. Helmcken is scarcely a Confederate at all; but he knows that I can beat him on the principle if the terms are good; and practically he admits that the question will be one of terms."[41] As for Carrall, the governor conceded him to be "a good fellow, & a staunch Confederate, but I scarcely think that he understands the details or the difficulties of the question of Union."[42] Together with Crease, Trutch, Hankin, and Hamley, by 9 February the Executive Council produced 17 terms for consideration by the Legislative Council.

In his opening speech to the Legislative Council, which Hankin read, Musgrave commended the terms to the earnest consideration of the Council and requested it to frame resolutions based upon the scheme he and the Executive

Council had prepared. The governor emphasized that in spite of Lord Granville's clear declaration of intent on the question, there was "no desire to urge Union, except in accordance with its general acceptance by British subjects in the Colony."[43] Clearly, Musgrave wished to avoid the impression that he was forcing union on the colony against its wishes. He also was determined to have the issue decided only by the British element in the colony and promised that any terms agreed upon by Canada would be subject to ratification by a new legislature comprised of a majority of elected members.[44] The government's statement of intent, Musgrave reported to the Secretary of State, generally satisfied the colonists and "silenced some idle discussion upon 'annexation' to the United States which had arisen from the apprehension that Her Majesty's Government intended to force the Colony into Union with the Dominion at the instance of Canada and without reference to the true interests and wishes of the Colonists."[45]

By this time Musgrave must have been aware of the defeat of confederation in Newfoundland, and he was now less eager to force events before their time had come. Nevertheless, the situation in British Columbia provided far more maneuverability for him to influence men and events than he had had in Newfoundland. He reconstituted the Executive Council, and promised to give elected members a

majority in the Legislative Council. At the same time Musgrave was frank. He did not consider such a young colony suited to the expensive and often misunderstood form of responsible government. After union, Musgrave stated, the provincial legislature might, with the concurrence of the federal government, alter its consitution, but not as long as he was governor.[46] Again, events in Newfoundland had impressed upon Musgrave the weakness of a governor's position under the restraints of a responsible executive. He also realized that a second failure would impair his chances of promotion and he knew his chances of success would be greatly reduced should he have to reckon with the dictates of men like Amor De Cosmos.[47]

His frank statement to the Legislative Council was intended to gain him credibility with officials who were still uncertain themselves about the direction in which their governor was leading them. A man as close to the governor as Colonial Secretary Hankin wrote privately that while confederation talk was rampant, he did "not believe it will take place so soon as some people imagine . . . . The people here love change, they are never satisfied, and they may find that it is easier to serve Downing Street, than Ottawa."[48] Musgrave himself knew that neither the Colonial Office nor his own advocacy of the cause could absolutely ensure their unfailing support. "I am working heartily for

the cause, because I believe in it, but it would not stand without my aid, and that of the official party, & you must support me in obtaining that," he wrote to Sir John A. Macdonald; "If it comes to a finish the Secretary of State will not force a settlement by the official vote."[49]

As he had done in Newfoundland, Musgrave took advantage of all opportunities to consolidate sentiment in his favour. Needham's acceptance of the chief justiceship of Trinidad provided an opportunity to elevate Crease to the bench. The attorney general would have to framelegislation to implement the results of negotiations with Canada, enacting modifications to the colony's constitution, and consolidating the colony's laws preparatory to its entry into confederation. Crease was still far from confident about confederation, and Musgrave saw the judicial vacancy as an excellent opportunity to move Crease out of harm's way by recommending him for the post, stating that the salary for the position was too low to tempt a man from England. The Colonial Office saw beyond these shallow arguments and realized rather that Musgrave was glad to have the opportunity "to kick Mr. Crease upstairs."[50] The Colonial Office considered Crease to be at best "an indifferent Attorney General" and agreed to appoint him to the bench because "a feeble Attorney General is likely to do more harm than a weak Judge."[51] Thus, with his own position secured, Crease could more easily introduce the terms of union and defend them on behalf of the government.

The debate on the proposed terms took place in the Legislative Council from 9 March to 6 April 1870. The terms were adopted with some modifications and thence submitted to the Canadian parliament. Transmitting copies of the debates and resolutions to the Colonial Office, Musgrave underscored the questions of railway communication which he considered to be the crux of the matter; "if a railway could be promised scarcely any other question would be allowed to be a difficulty," he wrote to the Secretary of State.[52] And in a private letter to Sir John Young he stressed that "if the Railway question can be settled or placed in any acceptable shape, the rest of the terms do not present any insuperable difficulty."[53]

Once the terms had been agreed upon, agitation for confederation began to give way to demands for responsible government, and Musgrave saw Canada's promise of a railway to British Columbia as essential to contain the growing movement for self-government. He feared that people had been given the false impression by advocates of confederation that a railway was now inevitable, and that if this condition fell through, "the disappointment and reaction will be proportionately great." As a result, he could not be confident "that even if all other stipulations were conceded, the community will decide upon Union."[54]

R. G. W. Herbert, Permanent Under-Secretary of State,

after he had perused the proceedings of the Legislative Council, minuted, "I should hardly suppose Canada wd care to have them at their own price." Frederic Rogers acknowledged "the ability with which the matter has been debated (I wd add temper but for the ridiculous speech of Mr. de Cosmos) . . . and the evident desire of the Council that it shd be treated not as a matter of party warfare but in the interest of the colony as a whole."[55]

Indeed, Musgrave had striven constantly to defuse the potential for party warfare inherent in the question of confederation in British Columbia. He had overcome the strident opposition of some of his executive officers, persuaded others to his side, and maneuvered still others into neutral positions. As a result, he was able to secure confederation on his own terms and present as a legitimate government measure that which had previously been left to the initiative of agitators outside the power structure. In order to sustain the ascendancy of the movement for confederation, he would have to continue to assure the officials that he was safeguarding their interests and at the same time try to maintain the tenuous support of the Canadian party.

CHAPTER 5: Avoiding Responsible Government

". . . people here are very crochetty, greedy & difficult to manage."

Anthony Musgrave, 1870.

In his opening address to the Legislative Council in 1870 Musgrave stated his intention to seek authority to permit a majority of elected members. "Such a course seems to me to be unavoidable," Musgrave wrote to Granville a week later, if any suitable arrangements are to be made for the local government under confederation with Canada; and many reasons seem to render it expedient that the change should precede any final arrangement of terms of union." Responsible government would be only a matter of time after the colony became a province, Musgrave argued, but "to leap from a Crown Council of nominees to that freest and most easily abused of all forms of representative administration" would be most unwise. For the sake of the colony, therefore, Musgrave urged that a truly representative form of government be established to provide a suitable transition to responsible government.[1]

Furthermore, Musgrave believed the mounting pressure within the colony for responsible government could be contained more easily before confederation than after. Musgrave wanted the Legislative Council to be made genuinely "elected" as opposed to "selected," but modification of the constitution, his Attorney General correctly advised him, would require the authority of the British parliament as the existing legislative council could not change its own constitution.[2] In addition, he suggested reducing the members of the Council from

23 to 15, of which six would be appointed by the Crown. "The five official members of the Executive Council," Musgrave noted, "can always be members of the Legislative body — 3 of them ex officio — and with the two unofficial members making seven, they, in case of concerted measures, would only require the admission of one more member to secure a majority."[3] The governor thought it highly unlikely that an occasion might arise when the government would be so wrong as to be unable to earn at least one vote from eight differing opinions. Finally, Musgrave argued for a more restricted franchise, limited to British subjects. To continue to allow foreigners to vote, Musgrave advised, "would very probably defeat confederation."[4] The governor considered these constitutional changes were necessary to have truly representative members make a final decision on the terms of Union. He thought the officials were content with the status quo and was most reluctant to force upon them so momentous a measure as confederation.[5] The consequences of such pressure tactics would be counter productive, but if an election showed that a majority of British subjects favoured union, as he believed they did, it would have positive results in bringing the question to a successful resolution.

Musgrave's proposals for constitutional reform reached Downing Street in April, but by the time the Colonial Office drafted a bill for presentation to parliament the Earl of

Kimberley succeeded Granville.[6] During the second reading of the bill in the House of Lords, Lord Lyveden objected that the fourth clasue of the bill particularly gave excessive power to the governor allowing him to control "every step in the formation of the representative assembly, from determining the franchise of the electors, to the validity of the return of the elected."[7] Kimberley thereupon asked Permanent Under-Secretary Rogers for sufficient explanations to satisfy the objections raised by Lord Lyveden.[8] "I think it wd be mischief to plan the preliminary steps for launching the new constitution at the mercy of the somewhat ignorant legislative Council wh. now exists in Victoria," Rogers replied, adding that he doubted the alteration affected by the measure would ease confederation.[9] "What it will do is — it will give increased vigour and authority and self-confidence to the body which will have to make itself responsible for confederation & will put the people into better humour with the Imperial Govt., who, they know wish for confederation."[10] Armed with these and other explanations provided by his senior advisers Kimberley sent the bill into Committee, submitted it to the Commons on 3 August, and six days later, on 9 August, it was given royal assent.[11]

In the meantime, developments in the colony during the debates on confederation regarding responsible government played into Musgrave's hands. The governor's decision to

keep responsible government out of the terms of union may have given him increased support from the more responsible albeit reticent members of the colony. But those who had agitated long and hard for the measure felt cheated. Through March and April, the Colonist ran editorials on the question of self-government and responsible versus representative government.[12] The newspaper objected to Musgrave's opinion that the colony was unsuited for self-government and loudly protested his selection of Trutch, Carrall, and Helmcken as delegates to Ottawa because all three, the newspaper was convinced, were against responsible government. "The People will vote down any terms that are not based on Responsible Government," the Colonist announced in reply to what it considered to be Musgrave's unwarranted criticisms of the colony's fitness for responsible institutions.[13] One day after this declaration, a petition for a public meeting to discuss responsible government and Musgrave's choice of delegates was circulated among the chief property holders and businessmen of Victoria.[14] When the mayor granted permission to hold a meeting on 11 April, the Colonist predicted the gathering would be "unanimous in condemnation of the system of Irresponsible Government and the proposed delegation to Ottawa. The stand in opposition to the People which the Government has taken in these respects," it added, "will undoubtedly imperil, if it does not eventually defeat the cause of confederation in this Colony."[15]

The meeting passed unanimously a resolution demanding that responsible government be an indispensable condition of confederation. One of the more inflammatory speeches was by Thomas Basil Humphreys, member for Lillooet in the Legislative Council, who reportedly insulted the dignity of the government with derogatory remarks and specifically accused Trutch of embezzling half a million dollars from his department.[16] While the Colonist applauded the enthusiasm of the participants at the meeting and unanimity they expressed for responsible government, it regretted remarks were directed at individuals instead of at the general iniquities of the government system itself.[17] Two days after the meeting, as the Legislative Council considered a resolution requesting the governor to suspend Humphreys from his seat for breach of privilege, a deputation presented the resolutions of the public meeting to Musgrave. At this meeting Musgrave counselled delay to those who advocated responsible government, feeling that implementation of the measure would be premature. The question was a matter that should be completely divorced from confederation, but he promised that if representatives elected by the people favoured responsible government "they must have it."[18]

The Colonist conceded this "graceful concession," illustrating Musgrave's willingness to compromise in the face of the just demands of the people. The newspaper sought to convince its readers that the demands were widespread,

particularly on the mainland where feelings of irritation verging on indignation were latent "consequent upon the intimation that Confederation was likely to come to us unaccompanied by Responsible Government."[19] Notwithstanding, Musgrave was convinced that the vast majority of colonists, especially those on the mainland, objected "to what would have the effect of throwing the Government and all local power into the hands of Victoria & Victorian demagogues by no means of the best type."[20]

Musgrave remained adamant that the question of responsible government should be strictly divorced in the community's mind from the terms of confederation. Thus, when the Colonist sent its correspondend Henry E. Seelye, the so-called "People's Delegate," to Ottawa to lobby for responsible government, Musgrave informed Sir John A. Macdonald that the matter was an internal one for the colony to decide when and if the governor thought it should be raised. "I am not going to throw myself into the /fray/ single handed against it," he declared privately to the Canadian prime minister.[21] At the same time, he regarded it as neither necessary nor expedient to join it with the more important issue of confederation. Subsequent events would vindicate the governor's assessment of the community's sentiments.

When the Legislative Council requested the governor to suspend Humphreys his supporters promptly petitioned Musgrave to refuse to assent to the resolution.[22]

Accompanying the memorial was a letter from Humphreys himself in which he regretted the action taken by the council, which he believed had been "prompted by the malevolence of my Political Enemies." He admitted he may have been indiscreet but asserted, "I did not intend to wantonly assail the reputation of any honorable member nor do I Believe that any language used by me at said meeting will justify the interpretation which has been put upon it."[23] Musgrave had been gracious enough to receive the deputation from the public meeting. This memorial from many of the citizens who had attended the public meeting represented a veiled condemnation of the governor. In reply, Musgrave expressed both astonishment and regret to the mayor that those signing the memorial should have forgotten not only their self-respect but also the respect due the governor by expecting him to endorse the statements attributed to Humphreys. "Such a course is not calculated to foster any confidence on the part of Her Majesty's Government," Musgrave admonished, "or to raise intelligent Public Opinion, in other places, as to the fitness of this Community for Representative Institutions, or Responsible Government."[24] The whole affair had backfired on the Canadian party, and the governor took full advantage of this irresponsible politicking to maintain the confidence of the officials who condemned the agitation. Even the Colonist regretted the unhappy consequences of one of the speakers indulging in

"personalities and innuendos," and hoped that the last word had been heard "of the unfortunate meeting and its unhappy results."[25]

Nevertheless, a second protest meeting was held on 13 May 1870 to express a lack of confidence in Musgrave.[26] This time the Colonist discredited the affair by asserting that the assembly was comprised of "non-residents, foreigners, and anticonfederates who hate everything British."[27] Such demonstrations, the Colonist editorialized, served only to place "in the hands of the governor, at the most critical moment, the strongest arguments that can possibly be adduced against the policy of conferring full powers of self-government upon this colony."[28]

Opinions at the Colonial Office were divided as to whether the suspension of Humphreys should be confirmed. Charles Cox held that Humphrey's language had been "insolent, unjustifiable, & intemperate."[29] But R. G. W. Herbert believed the council had taken the affair too seriously and argued that the governor should have tried to dissuade the legislature from taking such an irrevocable stand.[30] Herbert recognized that the resolution had passed by a vote of 14 to 2, and advised that the legislature be urged to reconsider the case.[31] Such a course proved unnecessary because in the meantime Musgrave dissolved the Legislative Council and issued writs for a new election. Because a new

council could take no cognizance of the actions of a former, there would be no opportunity to reconsider the suspension.[32] "I suppose the case falls through," R. S. Meade, private secretary to Earl Granville, wrote when qppraised of these circusmtances. Herbert agreed: "Yes, a very good termination of the affair" — a sentiment that Kimberley endorsed with a single word, "Excellent."[33]

On 11 June 1870, Musgrave notified the Colonial Office of his intention to take a short leave of three weeks to visit San Francisco. In the previous December he had applied for a two month leave of absence on full salary to allow him to visit New York, "on a matter of personal moment to myself." that is, to marry Jeannie Field.[34] In the interim Musgrave had to abandon his plans because a bad set of his leg left him "too much of a cripple to undertake any travelling."[35] Musgrave had hoped to be able to draw full salary on the grounds that he also intended to visit Ottawa to discuss the subject of confederation with the government of Canada. The Colonial Office did not consider the governor's case strong enough to accede to his request for drawing full salary on the trip to New York, "laudable as the object of that visit is."[36] Because he was unable to travel any distance on land, he decided to marry in San Francisco instead. Even travelling aboard the H. M. S. Sparrowhawk would be difficult enough, he admitted to Dudley Field. Although he now knew he would be very lame for

some time to come, he concluded philosophically, "if anything can hasten my recovery the cheering prospect of meeting Jeannie soon will do it."[37] On 20 June 1870 Musgrave married Jeannie Field in an unpretentious ceremony; after honeymooning a few days in San Francisco, the couple returned to Victoria aboard the Sparrowhawk on 2 July.[38]

Near the end of July Musgrave was pleased to receive official news of the satisfactory conclusion of negotiations between the Privy Council and the colony's delegates to Ottawa.[39] Particularly gratifying was the Dominion's commitment to undertake construction of a transcontinental railway. With this provision secured, he was confident the colonists would accept the terms "with cordiality" and that the officials would be gratified by the willingness of the Canadian cabinet to provide for their pensions.[40] "The next act must be played here," Musgrave wrote to Trutch, who was then en route to England.[41] The governor was anxious to receive word of the new constitution and formal authority to reconstitute the Legislative Council. The Victoria Standard, a daily newspaper inaugurated by Amor De Cosmos on 20 June 1870, had already published the terms of union and speculated that Samuel Leonard Tilley would become the first Lieutenant Governor. As far as the Standard was concerned the people had made up their minds on confederation, would indeed even "accept inferior terms if it be only to get rid of the miserable apology for a Government that now

controls the country."[42] Early in September it printed a rumour that Musgrave would be sent to Natal.[43]

While the Standard exuded confidence in confederation as a fait accompli, Musgrave sought to while away time on the mainland with his bride, nephew, and sisters.[44] Zoe Musgrave observed how quickly her brother had induced Jeannie to cast off some of the constraints of upper crust New York society. "She already takes Beer & Wine," Zoe gossiped to John Trutch, with whom she herself was in love.[45] Excursions to Yale and Boston Bar and relaxing games of croquet and billiards provided a brief respite for a still very ill governor before he faced the last hurdles in his administration of the colony.

On 30 September, while he was still on the mainland, Musgrave received Kimberley's despatches enclosing "The British Columbia Act, 1870" and the order-in-council passed under the act. He immediately sent copies to Crease and Helmcken for their consideration and advice, and issued "marching orders" for his party to repair to Victoria.[46] To Crease he confessed that Kimberley's "entire confidence in my ability and judgement" made him "nervously anxious not to make any mistake at this juncture."[47] To Helmcken, he appealed for his "friendly no less than upon your Official assistance in this affair."[48] He told both men he was satisfied with the franchise for electors: "the limitation to British subjects who can read English will dispose of

Mr. Humphrey's naturalized Chinamen, as well as aliens."[49] He wondered, though, if additional qualifications should be imposed on elected members.[50] Helmcken and Crease were thus left to consider the implications of these and the other provisions contained in the order-in-council prior to an Executive Council meeting scheduled for 11 October. By 12 October Attorney General George Phillippo had prepared a draft of a declaration proclaiming the "British Columbia Act, 1870," which the Executive Council adopted.[51] The election of candidates who would decide upon the terms of union was underway.

From conferences with Joseph Trutch, who had returned to Victoria on 10 October, and with support from the Colonial Office, Musgrave believed confederation with Canada was "already virtually settled." The question of when the colony should be granted responsible government and whether it should adopt the Canadian tariff or retain its own were the chief matters he anticipated would concern the new Legislative Council when it convened early in the new year.[52]

Meanwhile, Musgrave announced plans to visit the communities on the east coast of Vancouver Island, which he had intended to tour before his accident. He also wanted to investigate reports of Indian disturbances at Knight's Inlet, where Indians had obstructed a mining party from

extracting lead, which the Indians believed contained gold for which they demanded compensation. Under the governor's personal auspices a "satisfactory settlement" saw the Indians pardoned and the white settlers instructed on the importance of maintaining "good faith in their dealings with the Indias and of abstaining from any injury to their salmon fisheries with regard to which they are solicitors."[53] On another occasion Musgrave emphasized how he was "painfully conscious of the necessity for confidence in the justice and wisdom of the Government in dealing with offences arising between the savage and civilized inhabitants of the Colony."[54] A demonstration of superior strength and Musgrave's dealings with the Indians of Knight's Inlet as reported by the Standard well illustrated the foundations on which colonial Indian policy was generally based:

> The chief vowed that his tum-tum was good, and that the Indians had no hostile feeling against the white man. The Governor had a long conversation with them, and to show what the man-of-war could do, a shell was fired at a rock 300 yards distant, which gave them a good idea that their friendship was assured none too soon.[55]

By the time Musgrave returned to Victoria electioneering was in full swing; with some of the polls already closed, the governor was not entirely optimistic. "Democratic constituencies are proverbally uncertain," he wrote Macdonald in annoyance. He was particularly disgruntled by the news that John Robson, "so staunch a Confederate & not for

Responsible Gov't" had been rejected by the electors of Nanaimo in favor of Arthur Bunster, whom Musgrave characterized as "a bankrupt radical brewer, who I fancy scarcely knows what his views are except to feather his own nest & generally abuse the Govt."[56]

Musgrave was also concerned with rumours that Carrall's re-election was in jeopardy. On the hustings Carrall was accused of saying the colony was unfit for responsible government during the confederation debates in the Legislative Council. "I am a responsible government man," proclaimed Carrall, and described the existing system of government as "objectionable — abominable."[57] But he asserted that of all the members of the Executive Council only the governor and himself favoured confederation, and to secure the support of all the executive members, it was agreed that responsible government would be left out of the terms. Such utterances by a government member particularly disturbed Henry Crease, who complained privately to Joseph Trutch about Carrall's "impudent and unfounded accusation."[58] Ever the opportunist, Crease was anxious to secure a pension from the federal government for his service as attorney general and was afraid Carrall's remarks might be believed in Ottawa and thus jeopardize his claims.[59] Musgrave consoled Crease by referring to Carrall's "Electioneering nonsense" as just "so much 'bosh' and unworthy of any serious notice,"[60] but Crease remained unhappy,

regretting that Carrall's statements had not been publicly contradicted. "Had we done so," he postulated, "it would have injured the chances of his return, perhaps lost us a vote for Confederation besides creating some annoyance to the Governor."[61] Carrall won by a 16 vote majority over his rival, which indicated to the governor that opinion on the question of responsible government was shifting. "The only men I can depend upon are the officials," he confided to the Canadian prime minister, emphasizing he would need their continued support if he was to withstand demands for responsible government before confederation.[62] Musgrave was convinced that De Cosmos and his cronies would wreck confederation, if given the chance, "just as their counterparts in Newfoundland had done, if they could secure responsible government beforehand. /And/ if I were weak enough to yield this point we might whistle to no purpose for Confederation for years to come."[63]

Musgrave recognized that to leave the issue of responsible government unresolved would have unsettling consequences. The problem was that most of the confederate party also advocated responsible government. Therefore, Musgrave introduced a bill to provide for the introduction of responsible government after confederation.[64] By dangling the prospect of responsible government before the Legislative Council, he was certain of obtaining unanimous support from the confederationists. To reassure official members of the

government, he promised to protect their positions and those of the government employees once British Columbia entered the Dominion. By this strategy Musgrave hoped to retain control of the reins of power until the very day that the colony became a province.

On Christmas Eve the governor met with his executive to consider the constitutional change allowing for responsible government as a pendant to confederation. After a lengthy discussion the Executive Council agreed to recommend increased representation in the new legislature rather than excluding nominated members. On 5 January 1871 for the first time Musgrave personally read his opening speech in the Legislative Council.[65] The Standard applauded it as the first time the government had dealt with the issues of confederation and responsible government "in a plain business way, that there is no mistaking the views and purposes of the government."[66]

On 12 January, Dr. Helmcken asked the governor to send down a bill "to enlarge the number of popular Members, excluding nominated Members from this Council, so as to enable a new Legislative Body and the form of administration known as Responsible Government to come into operation at the first Session of the Legislature subsequently to the Union of this Colony with Canada."[67] Arthur Bunster's amendment to inaugurate responsible government simultaneously with

confederation was defeated after a spirited debate in which Trutch stated that the Canadian government would not consent to any change whatever in the form of government until after confederation as the sudden change to responsible government would not be expedient.[68] Only Bunster, De Cosmos, and Robert James Skinner (representative for Kootenay and Columbia River) voted for the amendment.[69] On 20 January the Council adopted an address to the Queen praying for the colony's admission into the Dominion of Canada upon mutually agreeable terms. Musgrave then despatched Joseph Trutch to Ottawa and then to London to complete the arrangements for union.[70]

Musgrave was greatly relieved by the outcome. "We have won the battle," he declared to Macdonald, "Our plans were well laid, & the enemy surrendered at discretion." The result would cause joy among Canadians as well as British Columbians, Musgrave predicted, in recognition of the important effect British Columbia's decision would have on Newfoundland, and Prince Edward Island. He believed that even malcontents in Nova Scotia would be more subdued by the result in British Columbia.[71]

Not all the credit can go to Musgrave. As he himself recognized in handling them so adroitly, the role of the officials was crucial. "If they had thwarted me & tried to oppose the Union, I could not have carried the Union

matter through so swimmingly as I have managed to do," the governor admitted, adding:

> Almost to my own astonishment I have only managed Helmcken, and the doubtful section through the knowledge they had that I had secured the staunch adherence to my views of the government party. Notwithstanding the vapouring declamation on the part of Carrall & others in Electioneering Speeches, the early confederate party were nowhere without 'the King's friends.'[72]

To ensure the interests of the officials would be protected, Musgrave made representations to the Canadian prime minister as well as to the Secretary of State for the Colonies to secure guarantees that they would be treated fairly.[73] With the prospect of responsible government now certain, Musgrave decided to introduce the Civil List Bill, which would place the appointments of public officials on a legal foundation, thereby protecting them "from sudden termination of their salaries by refusal of the annual votes on the Estimates; and on the other hand guard against jobbing combinations for the increase of emoluments to popular favorites, and additions to the number of offices which are quite as likely."[74] The introduction of this measure on 14 March provoked attacks against it throughout the colony. In its defence the attorney general argued it was designed to permit the smooth transition of the public service from colonial to provincial administration. He also emphasized that the act could be repealed or modified whenever the legislature wished.[75] Nevertheless, the opposition

mounted. De Cosmos' Standard railed against the governor, claiming that the bill placed the colony under the heel of an "irresponsible oligarchy" of which "the real source and cause of all evil is Governor Musgrave."[76] Public meetings were held in Victoria, New Westminster, Yale, Lytton, and Hat Creek protesting a measure that the Standard declared had imposed 56 officials on the country at a fixed salary.[77] The effect of the bill, others argued, rendered responsible government devoid of substance as the act made the officials masters of the people.[78] Musgrave dismissed these protests as unrepresentative of the colony. Some of the rallies, he noted, "consisted of some six, or eight persons at the Drinking Bars of Wayside Public Houses."[79] Like the mass meetings of the previous year, the governor used them to show how some members of the colony were unfit for self-government.

Nevertheless, the Colonial Office was inclined to question Musgrave's proceedings in the matter. Despite the legislature's right to repeal or amend the act, R. G. W. Herbert considered it "a strongish thing to pass so large a civil list, and to raise existing salaries in it," and predicted that the officials will suffer hereafter for their eagerness to secure those positions."[80] Even the officials for whose benefit the bill was introduced were themselves unhappy as a result of the storm of protest that had been

raised against it. They feared the strong feeling of hostility engendered by the bill would result in its repeal at the first sitting of a representative assembly, making their chances of promotion doubtful and more likely lead to the loss of their positions.[81] Lord Kimberley was highly critical of the whole affair and particularly regretted the action the governor had taken in raising some of the salaries. "It is the only act of Mr. Musgrave in the matter of Union which seems to me a mistake." Although he was inclined to agree with Musgrave on the need to pass a civil list to place the public servants on a sound footing, he saw no "justification for the increase of salaries by an official majority in a moribund legislature." In spite of this criticism, Kimberley felt himself obliged to sanction the Act "as it would be too great a rebuff to the Governor and the majority to disallow it."[82] A Victoria correspondent for the Toronto Globe summarized the affair in the light of Musgrave's generally praiseworthy legislative programme preparatory to union, which conceded responsible government and well drafted franchise and electoral laws. "It is much to be regretted that Governor Musgrave, after arranging everything so satisfactorily . . . should mar his well-deserved popularity by attempting to carry through the Council what is called a 'Permanent Civil List'."[83] It could also be said that Musgrave's determination to go to such lengths to protect government officials was a measure

of his antipathy to responsible government and an indicator of his judgement of the colony's suitability for it. He envisaged a rush for the spoils of political patronage that he saw to be implicit in the system, and he hoped that a detailed civil list would stave off, if only briefly, the same instability that he had seen plague successive governments in Newfoundland and the West Indies.

* * *

While Musgrave constantly sought to ensure the careers of government officials, he also was concerned about his own future. He knew that the process of bringing confederation to fruition would also do himself out of employment, a prospect that was particularly disagreeable to him. "One ought scarcely to be expected cheerfully to cut his own throat for the glory of the thing, & other people's satisfaction," he wrote to Macdonald from whom he sought a retiring allowance on half salary for one year, which would amount to £2000.[84] Macdonald was surprised at his moderation and more than pleased to comply.[85] Under the circumstances Musgrave also felt he had legitimate claims to vacancies that might occur in other colonial postings and appealed to the Secretary of State for consideration.[86] The usual reply in such questions of patronage was forwarded to Musgrave but Kimberley noted on the draft that "Mr. Musgrave's claims are strong."[87] In the interim, Musgrave

received official word from the Canadian authorities that upon termination of his position Canada would pay him a half year's salary. Musgrave was quick to point out to the Secretary of State that he had made no formal request for compensation although he admitted to informally suggesting the detrimental effect confederation would have on his own position. The Colonial Office at first questioned the allowance but agreed that it was neither contrary to any regulation nor "likely to lead to inconvenience"; a half year's salary was "not by any means too large a reward for the service Mr. Musgrave has rendered, & it is to be hoped that these services may again be made use of before long."[88]

By late December Musgrave dismissed any thought of remaining in British Columbia. The cost of living was too high, he told Sir Charles Hastings Doyle, and he would rather return to the West Indies with a lieutenant governorship than stay on with a lower salary aslieutenant governor in British Columbia.[89] Salary was not the only factor influencing the governor's decision. He continued to suffer with the effects of his broken leg, enduring repeated bouts of erysipelas, and Dr. Helmcken advised him to "get to England as soon as possible in order to obtain good surgical advice & treatment for my injured foot."[90] For this reason he gratefully declined Sir George Cartier's offer for him to become the first lieutenant governor of the province. "The prospect of

being a cripple for life is so painful that I feel I ought to allow nothing to stand in the way of my endeavour to arrest so serious an evil before it may become too late to do anything," he wrote. In the same letter, he also urged Cartier to let him know as soon as possible when a successor would arrive so that he could be relieved. Jeannie was pregnant, so he was anxious to leave no later than July or early August to avoid crossing the Rockies and the Atlantic in winter. "The only other alternative," Musgrave suggested, "one which I much wish to avoid — would be that Mrs. Musgrave should go on without me, but the separation would be very painful under the special circumstances & I sincerely trust that it may not be rendered necessary."[91] As a result, the Canadian administration immediately selected Joseph Trutch for the British Columbia post.

By May the colonial establishment began to break up. The governor and his party left the colony on 25 July 1871 aboard H.M.S. Sparrowhawk, which would bear Trutch back from San Francisco. Those remaining in the capital of the new province were already beginning to be affected by a revived hope for future prosperity. Victoria real estate boomed as confederation and the prospects of a transcontinental railway gave Victoria a new lease on life.[92] The confederate party had been pleased to see the new governor come and now in the

midst of renewed optimism they were happy to see him go. The Standard claimed that the confederates had made his work easy; all he had done was to order his officials and persuade Dr. Helmcken, and the Canadian government had done the rest.[93] If the significance of the governor's accomplishments escaped his critics, it was not lost on his superiors at the Colonial Office. "This appears to be the opportunity for complimenting him on the ability & success with wh. he has administered," Herbert reminded Lord Kimberley upon learning of his departure from the colony. "Yes," the Secretary of State agreed, "he well deserves it."[94]

Following his departure from British Columbia, Musgrave went on to a distinguished career in the colonial service as governor of Natal (1872-1873), South Australia (1873-1877), Jamaica (1877-1883), and Queensland (1885-1888) where he died, appropriately, in the midst of a constitutional furor over the principle of the supremacy of a responsible ministry over the governor.[95]

CHAPTER 6: Conclusion

"I fear that very few Crown Colony Governors are able to learn late in life, the art of governing under Responsible Government."

R. G. W. Herbert, 1888.

Colonial governors were seldom selected on the basis of ability or experience; political friends, religion, and even marital status were frequently the criteria of selection used by the Colonial Office.[1] Anthony Musgrave, a man of exceptional qualities, appears to have been a definite exception to the rule.[2] Promoted more for his ability than for his family or military connections in his native West Indies, Musgrave succeeded as one of the better governors in the service of the Crown.[3]

Without his continual striving to force confederation on Newfoundland the question of that colony's entry into the Dominion of Canada in 1869 would never have reached the prominence that it did. The constitutional setting in which Musgrave had to operate was the chief explanation of why the measure failed. Throughout his career as governor Musgrave was never able to reconcile himself to the constraints that responsible government forced upon the Queen's representative in the colony. Even with responsible government, Musgrave firmly believed that "the Governor should know and to a certain extent control what was going on."[4] The fact that Musgrave tried to administer the government in Newfoundland on this basis but failed in his purpose was partly a reflection of his outdated vision of the constitutional development of Britain's English-speaking possessions in the second half of the nineteenth century.

However myopic Musgrave's views on responsible government may have been, his attitude toward the evolution of the British Empire was considerably more far-sighted. "My dream is of Union of all the English-speaking communities — the federation of Great Britain with Greater Britain," he wrote in 1875, but at the same time acknowledged: "I fear it will only be a dream in our time."[5] It was this view that resulted in his appointment to British Columbia upon the sudden death of Frederick Seymour. The fact that British Columbia was a very primitive Crown Colony in terms of its constitutional development virtually guaranteed that his mission would be a success. But Musgrave's appointment to British Columbia did not ensure the colony's confederation with Canada. Musgrave could have delayed foisting the issue on the Legislative Council for personal reasons. His financial position was far from secure, and early termination of his governorship could have meant a greater financial burden than he may have wished to carry. Nevertheless, Musgrave forced the issue on the colony, just as he had forced it before in Newfoundland; he pressed it earlier in his tenure as governor of British Columbia because he was in a far stronger position than he had been in Newfoundland. Uppermost in his strategy was the determination to stifle demands for responsible government as long as he was governor of the colony. At the same time he was successful in harnessing the conservative forces

dominant in the colony to the more reformist elements for the purpose of securing agreement on the question of confederation. His later experiences as governor of two Australian colonies, both with responsible government, testified to his unwillingness to relinquish what he considered to be the authoritative power of the governor, even in colonies with responsible government. "I think it is rather amusing to notice the way in which the colonies play at being independent nations," Musgrave wrote from Adelaide in 1874, "while the original intention of Responsible gov't was only that the governor should be guided in his administration of affairs by the advice of those who for the time being possess the confidence of the Legislative bodies of which they are members — not that these should be allowed to do what they please without possibility of redress."[6] Given these expressed sentiments Musgrave surely cherished his brief governorship of British Columbia, a pioneering colony that Musgrave felt could ill afford the luxury of responsible government.

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FOOTNOTES: Chapter 1

[1]Granville to Musgrave, 15 June 1869, Great Britain, Public Record Office, Colonial Office 60/36, p. 21, microfilm, PABC.

[2]Granville to Musgrave, 17 June 1869, CO 60/36, p. 25.

[3]Musgrave to Granville, cable, 15 June 1869, CO 60/36, p. 16; E. H. Wedgewood (assistant private secretary to Granville) to Musgrave, 16 June 1869, CO 60/36, p. 17.

[4]See Hume Wrong, Government of the West Indies (New York, Negro Universities Press, 1969), chapter IX. By coincidence, as Musgrave was consummating British Columbia's union with Canada in 1871, the British Parliament was simultaneously passing the Leeward Islands Act, which established the colony of the Leeward Islands consisting of six presidencies with a federal executive and general legislative council.

[5]I am indebted to Mrs. Phyllis Mayers, Librarian at the Public Library, St. John's Public Library, Antigua, for providing me with information on the Musgrave family in the West Indies which she copied from Vere Langford Oliver, The History of the Island of Antigua (London: Mitchell & Hughes, 1894-1899), pp. 284-288. Much of the history of the family in this paragraph is derived from this source.

[6]Ibid., p. 285.

[7]Victoria British Colonist, 17 June 1869, p. 2.

[8]Oliver, History of Antigua, p. 285.

[9]J. Borome, "John Candler's visit to Antigua," Caribbean Studies, V (no. 3), p. 56.

[10]Arthur Wentworth Hamilton Eaton, The History of King's County (Belleville, Ontario: Mika Studio, 1972), p. 756.

[11]Musgrave to Lord Kimberley, 20 May 1875, Musgrave Papers, Australia National Library, MS 595/2, p. 105. Alexander Begg, History of British Columbia from its Earliest Discovery to the Present Time (Toronto, 1894), p. 386, the Colonist (17 June 1869) and other sources claim that Musgrave was educated in the United Kingdom, but enquiries to the Scottish Record Office, the Edinburgh Public Library, and The Honourable Society of the Inner Temple failed to determine any schools he might have attended there.

[12]Rodney S. Flynn (Sub-Treasurer of The Honourable Society of the Inner Temple) to author, 18 January 1974. I have found no evidence that Musgrave resumed legal studies at the Temple in 1853 as The Colonial Office List, 1871, (Arthur N. Birch and William Robinson, compilers (London: Harrison, Pall Mall), p. 276) states.

[13]Musgrave also claimed to have held the position of "Clerk of the Crown Arraigns" in the West Indies. Minute by Musgrave on Joseph Needham to Colonial Secretary /Hankin/, 23 December 1869, Colonial Correspondence, uncatalogued folio "Needham-Courts," PABC. Musgrave did not specify whether he held the post in Antigua, Nevis or St. Vincent. W. P. Morrell has noted that officials in West Indian colonies "had to be maids of all work. The Colonial Secretary in St. Vincent was also clerk of the Privy Council, clerk of the Legislative Council, clerk of the Crown, secretary of the Supreme Court, and Registrar of Wills and Deeds." British Colonial Policy in the Mid-Victorian Age, South Africa, New Zealand, The West Indies (Oxford: Clarendon Press, 1969), p. 380.

[14]Charles Maier, "Frederick Seymour in Nevis, 1854-1857, The Introduction of Free Trade" (Unpublished M. A. thesis, University of London, 1970), p. 5. See also David P. Henige, Colonial Governor's from the Fifteenth Century to the Present (Madison: University of Wisconsin Press, 1970), p. 205, and The Colonial Office List, 1864.

Seymour was never governor of Antigua as Robert J. Cain states ("The Administrative career of Sir Anthony Musgrave," /unpublished M. A. thesis/, Duke University, p. 30), nor was Musgrave Seymour's private secretary as Margaret A. Ormsby alleges in British Columbia: a History (Toronto: Macmillan of Canada, 1964), p. 233.

[15]New York Times, 10 October 1888, p. 6.

[16]Newcastle to Musgrave, 2 April 1861, Warrant, microfilm, "More Musgrave Papers," Australia National Library.

[17]Newcastle to Musgrave, 15 February 1862, ibid.

[18]The Colonial Office List, 1871, pp. 100-101; and Sir Alan Burns, History of the British West Indies (London: George Allen & Unwin Ltd., 1965), p. 645.

[19]Morrell, British Colonial Policy, p. 433.

[20]John Davy, The West Indies Before and Since Slave Emancipation (London: W. & F. G. Cash, 1854; reprinted by Frank Cass & Co. Ltd., London, 1971), p. 399.

[21]Gordon K. Lewis, The Growth of the Modern West Indies (London: Macgibbon & Kee Ltd., 1968), p. 72.

[22]See Musgrave's private letterbook correspondence, passim, Musgrave Papers, Duke University Library, cited hereafter as Musgrave Papers, Duke.

[23]Davy, West Indies, p. 399; see also Burns, History of the British West Indies, p. 646, and Lewis, Modern West Indies, p. 71.

[24]Musgrave's obituary in the New York Times, 11 October 1888, stated that while governor of Queensland, "he made speedy use of his power to protect the natives /of New Guinea/ against the cruelty of his own countrymen, some of whom were ready to seize them and carry them off as slaves . . . . Everywhere he was the protector of oppressed races."

[25]Wrong, Government of the West Indies, pp. 69-70.

[26]J. H. Parry and P. M. Sherlock, A Short History of the West Indies (London: Macmillan & Co. Ltd., 1960), p. 213.

[27]Henry L. Hall, The Colonial Office, A History (London: Longmans, Green and Co., 1937), p. 92.

FOOTNOTES: Chapter 2

[1]The most comprehensive study of this period is Edward C. Moulton, "The Political History of Newfoundland, 1861-1869" (unpublished M. A. thesis, Memorial University of Newfoundland, 1960), chapters V and VII. R. J. Cain's thesis, "The Administrative Career of Sir Anthony Musgrave," relies heavily on this work in his first chapter, pp. 2-24. Other treatments consulted include W. David MacWhirter, "A Political History of Newfoundland, 1865-1874" (unpublished M. A. thesis, Memorial University of Newfoundland, 1963), chapter I; and P. B. Waite, The Life and Times of Confederation, 1864-1867 (Toronto: University of Toronto Press, 1967), chapter XI.

[2]G. M. Story, "Judge Prowse: Historian and Publicist," Mimeographed paper delivered at 50th Annual Meeting, Canadian Historical Association, 3 June 1971, p. 5, Centre for Newfoundland Studies, Memorial University of Newfoundland.

[3]D. W. Prowse, A History of Newfoundland from the English, Colonial and Foreign Records (London: Eyre and Spottiswoode, 1896), p. 494-495.

[4]Musgrave to George Ferguson Bowen, 29 May 1874, Private letterbook correspondence, Musgrave Papers, Duke.

[5]William Menzies Whitelaw has discussed the implications of colonial autonomy and the power of the colonial governor in "Responsible Government and the Irresponsible Governor," Canadian Historical Review, XIII (December 1932), 364-386.

Most governors in British North America had difficulties reconciling their position in colonies possessing responsible government. See J. K. Chapman, The Career of Arthur Hamilton Gordon (Toronto: University of Toronto Press, 1964), chapter II, and Ronald H. MacDonald, "The Public Career of Major-General Sir Charles Hastings Doyle, 1861-1873" (unpublished M. A. thesis, Dalhousie University, 1969), pp. 21-25.

[6]Musgrave to Cardwell, 12 September 1864, CO 194/173, p. 358. His Commission and Instructions were dated 29 August 1864. "More Musgrave Papers," microfilm, Australia National Library.

[7]Musgrave to Cardwell, 5 October 1864, CO 194/173, p. 26.

[8]Prowse, History of Newfoundland, p. 494.

[9]Whitelaw, The Maritimes and Canada Before Confederation (Toronto: Oxford University Press, 1966), p. 267.

[10]Arvel B. Erickson, "Edward T. Cardwell: Peelite," Transactions of the American Philosophical Society, New Series — XLIX, Part 2 (1959), pp. 35-36.

[11]Musgrave to Lord Monck, 1 October 1867, Macdonald Papers, Public Archives of Canada, cited hereafter as PAC.

[12]Musgrave to Lord Monck, 27 December 1864, CO 194/173, p. 118.

[13]Musgrave to Cardwell, 27 December 1864, CO 194/173, p. 115.

[14]G. O. Rothney, Newfoundland, from International Fishery to Canadian Province, C. H. A. Booklet # 10 (Ottawa: 1959), p. 21.

[15]C. M. MacInnes, "Constitutional Development of the British West Indies," in J. H. A. Logemann, ed., Developments Towards Self-government in the Caribbean (The Hague: W. van Hoeve Ltd., 1955), p. 10.

[16]Minute by Arthur Blackwood on Musgrave to Cardwell, 27 December 1864, CO 194/173, p. 119.

[17]Minute by Chichester Fortescue, ibid.

[18]Musgrave to Cardwell, 27 December 1864, CO 194/173, p. 116.

[19]Musgrave to Cardwell, 27 January 1865, CO 194/174, p. 24.

[20]Musgrave to Cardwell, 23 February 1865, CO 194/174, p. 45.

[21]Musgrave to Cardwell, 19 April 1865, CO 194/174, p. 84.

[22]Minute by Blackwood on Musgrave to Cardwell, CO 194/174, p. 71.

[23]Musgrave to Cardwell, 15 April 1865, CO 194/174, pp. 78-79.

[24]Minute by Blackwood on Musgrave to Cardwell, 14 January 1865, CO 194/174, p. 5.

[25]Musgrave to Cardwell, 15 April 1865, CO 194/174, p. 79.

[26]Chief clerk, Gordon Gairdner, observed "that it has hitherto been decided not to grant knighthood to any Chief Justice until he have shewn himself by tried service to be

worthy of the distinction." Minute on Musgrave to Cardwell, 15 April 1865, CO 194/174, p. 80.

[27]Musgrave to Cardwell, 15 April 1865, CO 194/174, p. 79.

[28]Musgrave to Cardwell, 19 April 1865, CO 194/174, pp. 90-91.

[29]Ibid., p. 91.

[30]Ibid., pp. 92-93.

[31]Minute by T. F. Elliot, ibid., pp. 94-95.

[32]Minute by Cardwell, ibid., p. 95.

[33]Musgrave to Cardwell, 19 April 1865, CO 194/174, p. 85.

[34]Ibid., pp. 84-85.

[35]Ibid., pp. 83-85.

[36]See minutes on Musgrave to Cardwell, 10 July 1865, CO 194/175, pp. 198-199.

[37]Musgrave to Cardwell, 19 April 1865, CO 194/175, p. 85; Donald Creighton, The Road to Confederation (Toronto: Macmillan of Canada, 1964), p. 254.

[38]Musgrave to Cardwell, 21 March 1866. Great Britain, Parliament, Correspondence Respecting the Proposed Union of the British North American Provinces, London, 1867, p. 148.

[39]Musgrave to Cardwell, 14 November 1865, CO 194/174, p. 268.

[40]Musgrave to Cardwell, 20 February 1866, CO 194/175, p. 40.

[41]Great Britain, Parliament, Correspondence Respecting Union, pp. 147-149 contain the resolutions which reflect the cautious attitude of the government members.

[42]Ibid., p. 149.

[43]Musgrave to Cardwell, 20 February 1866, CO 194/175, p. 41.

[44]Ibid.

[45]Great Britain, Parliament, Correspondence Respecting Union, p. 150.

[46]Minute by Blackwood on Musgrave to Cardwell, 10 July 1866, p. 198.

[47]Ibid.

[48]Minute by Rogers, ibid., p. 199.

[49]W. L. Morton, The Critical Years (Toronto:McClelland and Stewart Limited, 1968), p. 55.

[50]Minute by Carnarvon on Musgrave to Cardwell, 10 July 1866, CO 194/175, p. 189.

[51]Musgrave to Carnarvon, 19 February 1867, CO 194/176, pp. 76-77.

[52]Musgrave to Buckingham, 26 April 1867, CO 194/176, p. 124.

[53]Musgrave to Buckingham, 10 September 1867, CO 194/176, p. 319.

[54]Musgrave to Buckingham, 17 September 1867, CO 194/176, p. 326.

[55]Musgrave to Lord Monk, 1 October 1867, Macdonald Papers, PAC.

[56]Ibid.

[57]Ibid.

[58]Ibid.

[59]Ibid.

[60]Musgrave to Buckingham, 10 December 1867, CO 194/176, p. 366.

[61]Musgrave to Buckingham, 16 October 1867, CO 194/176, p. 359.

[62]Musgrave to Buckingham, 10 December 1867, CO 194/176, p. 367.

[63]Musgrave to Lord Monck, 1 October 1867, Macdonald Papers, PAC.

[64]Musgrave thus described the situation to Lord Monck: "The advocacy of Mr. Shea, for instance, is almost a dis-

advantage, his motives are always, rightly or wrongly, so much suspected." Ibid. Similarly Musgrave advised the Secretary of State: "It is allowed that the present administration contains the ablest and most experienced public men of the Colony; and it is felt that, if the result of their efforts is almost inappreciable, much cannot be expected from any who may succeed them." Musgrave to Buckingham, 12 May 1868, CO 194/177, p. 100.

[65]Musgrave to Buckingham, 12 May 1868, CO 194/177, p. 100: "There is a growing feeling with a large section of the intelligent members of the Community that 'responsible government' in the form which it must assume in such a community as this, has been to a great extent, a failure. The capability of any administration under the present system to accomplish any lasting benefit seems to be daily becoming less. The large proportion of the Revenue required to maintain representative institutions, the small amount of good derived from them, the positive evils which flow from their operation, all seem to show that however valuable they may be in a healthy action elsewhere, they are too large, and too expensive in their present form for the requirements of this Colony." Ibid., pp. 99-100.

[66]Musgrave to Lord Monck, 1 October 1867, Macdonald Papers, PAC.

[67]Musgrave to Buckingham, 12 May 1868, CO 194/177, p. 100.

[68]Minutes by T. F. Elliot on Musgrave to Buckingham, 12 May 1868, CO 194/177, p. 101.

[69]Ibid.

[70]Ibid.

[71]Musgrave to Macdonald, 18 February 1868, Macdonald Papers, PAC.

[72]Musgrave to Lord Monck, 27 June 1868, Private letter-book correspondence, Musgrave Papers, Duke.

[73]Musgrave to Macdonald, 17 November 1867, Macdonald Papers, PAC.

[74]Musgrave to Jeannie Field, 26 June 1868, Musgrave Papers, Duke.

[75]Musgrave to Buckingham, 9 April 1868, CO 194/177, p. 56.

[76]Musgrave to Jeannie Field, 26 June 1868, Musgrave Papers, Duke.

[77]Cyrus West Field, merchant and capitalist, gained prominence as the promoter of the first Atlantic cable in the mid-nineteenth century. In April 1868, Musgrave had urged support of a project proposed by Cyrus Field to build a railway in Newfoundland in return for land grants. Musgrave saw many advantages in the plan not the least of which would be its contribution to the partial colonization of the French Shore. Musgrave to Buckingham, 14 April 1868, CO 194/177, p. 70.

[78]Samuel Carter, Cyrus Field: Man of Two Worlds (New York: G. P. Putnam's Sons, 1968), p. 270.

[79]Laurence O'Brien to Buckingham, 14 October 1868, CO 194/177, p. 231.

[80]Musgrave to Macdonald, 10 September 1868, Macdonald Papers, PAC.

[81]F. Hammond to F. Rogers, 20 October 1868, CO 194/177, p. 320.

[82]Musgrave to Under Secretary of State, 16 December 1868, private, CO 194/177, p. 477.

[83]Musgrave to Macdonald, 23 January 1869, Macdonald Papers, PAC.

[84]Musgrave to Macdonald, 10 September 1868 and 23 January 1869, Macdonald Papers, PAC.

[85]Musgrave to Granville, 19 February 1869, CO 194/178, p. 73.

[86]Moulton, "The Political History of Newfoundland, 1861-1869," p. 266.

[87]Minute by Granville on Musgrave to Granville, 19 February 1869, CO 194/178. It is noteworthy that Sir Frederic Rogers questioned whether the clause drafted along the lines suggested by Granville should stand with the rest of the despatch. "I think we hardly know enough of Governor Musgrave's proceedings to compliment him just yet," he cautioned and suggested instead, "a sentence wh. will give him an opportunity of telling us what he has done or will do — and the compliment may follow then." Ibid., p. 80.

[88]Musgrave to Granville, 20 February 1869, CO 194/178, pp. 87-91.

[89]Musgrave to Macdonald, 23 January 1869, Macdonald Papers, PAC.

[90]Ibid. Macdonald replied: "I do not think it judicious, however, to bring up the subject in council here until matters here are further advanced." 10 February 1869, Macdonald Papers, PAC.

[91]Musgrave to Granville, 20 February 1869, CO 194/178, p. 90.

[92]Ibid., p. 92.

[93]Minute by Rogers, ibid., p. 92. Macdonald later told Sir John Young: "It is quite clear that no time should be lost by Lord Granville in putting the screws on at Vancouver Island, and the first thing to be done will be to recall Governor Seymour, if his time is not out." Macdonald to Young, 25 May 1869, cited in Joseph Pope, Memoirs of Sir John A. Macdonald, vol. 2 (London: Edward Arnold, 1894), pp. 143-144.

[94]Musgrave to Granville, 20 March 1869 and 28 April 1869, CO 194/178, pp. 104-106, 125-127.

[95]Musgrave to Granville, 12 May 1869, CO 194/178, p. 132.

[96]Minute by Rogers, ibid., p. 135.

[97]Musgrave to Granville, 21 June 1869, CO 194/178, pp. 157-158. He argued (p. 158) that "The distance is not quite the same, but there will be unavoidable and expensive stoppage at Halifax and probably at New York to wait for steam packets. And if I should decide to go by the Pacific Railway, though I should gain time, expense would probably not be saved."

[98]Musgrave to Granville, 22 June 1869, Confidential and Immediate, CO 194/178, p. 166.

[99]Minute, ibid., p. 168. Governor Hill had an impressive career in the army before joining the colonial service in 1851. In 1862 he was appointed governor-in-chief of Antigua and the Leeward Islands, a post like others in the West Indies "where governors try their 'prentice hand' and learn their business before promotion to more important situations." J. A. Froude, The English in the West Indies or the Bow of Ulysses, p. 91, cited in Chapman, Arthur Hamilton Gordon, p. 46.

Hill also applied for the vacant British Columbia post in 1869. Hill to Granville, 16 June 1869, CO 60/37, pp. 553-554.

[100]Enclosure, Musgrave to Granville, 7 July 1869, CO 194/178, pp. 199-200.

[101]Ibid., pp. 203-205.

[102]Ibid., pp. 207-208.

[103]Hill to Granville, 2 August 1869, Confidential, CO 194/178, p. 229.

[104]Ibid., p. 230.

[105]Hill to W. Dealtry, 5 November 1869, CO 194/178, pp. 363-364.

[106]G. F. G. Stanley, "Sir Stephen Hill's Observations on the Election of 1869 in Newfoundland," CHR, XXIX, 282.

[107]Ibid., p. 283.

[108]Draft despatch, Granville to Hill, 24 December 1869, CO 194/178, p. 385.

[109]Minute by Rogers, ibid., p. 384.

[110]Minute by William Meade on Musgrave to Granville, 30 October 1869, CO 60/36, p. 449.

FOOTNOTES: Chapter 3

[1]E. W. Wright, ed., Lewis & Dryden's Marine History of the Pacific Northwest (Seattle: Superior Publishing Company, 1967), p. 178. The Moses Taylor was built in New York in 1858, came to San Francisco in 1864 and made its first trip to the Northwest in July 1869.

[2]Anthony Musgrave Jr. was appointed private secretary to the governor on the day of their arrival. Government Gazette, 28 August 1869, p. 1.

[3]Holladay was president of the North Pacific Transportation Company and owner of the Moses Taylor.

[4]Colonist, 14 August 1869, p. 3. The "Pacific Railroad" opened on 10 May 1869 enabling passengers to travel from New York to Sacremento via Chicago in 7 days. Lucius Beebe, The Central Pacific & Southern Pacific Railroads (Berekley: Howell-North, 1963), p. 615.

[5]Musgrave credited Field for inaugurating the happy relationship by seating Musgrave next to Jeannie at a dinner party in 1867, "and from that Evening dates all the mischief," Musgrave claimed. Of Jeannie he commented: "I think I may be very proud of having obtained her affection for she is one among ten thousand." Musgrave to Dudley Field, 18 October 1869, Musgrave Papers, Duke.

[6]Colonist, 17 August 1869, p. 2.

[7]Ibid., 24 August 1869, p. 3.

[8]H. P. P. Crease to George Anthony Walkem, 26 August 1869, Private letterbook correspondence, 1869-1870, Crease Collection, PABC.

[9]Musgrave to Granville, 25 August 1869, British Columbia-Governor, Despatches to London, 11 January 1868 - 24 July 1871, PABC (hereafter cited as Despatches to London).

[10]Augustus Frederick Pemberton to the Colonial Secretary, 5 June 1869, Colonial Correspondence, PABC.

[11]Musgrave to Granville, 25 August 1869, Despatches to London. From information he had gathered in San Francisco together with the views he had pieced together from Victorians, he deduced that "whatever may be their feeling on Irish grievances the Irish in California had no desire to accept Mr. Train as a leader nor did he seriously contemplate any mischievous attempt at disturbance of the peace." Ibid.

[12]Granville to Musgrave, 17 June 1869, CO 60/36, p. 25.

[13]Musgrave to Granville, 2 September 1869, Despatches to London. Only an extract of the letter provided by Seymour existed in the files of the Colonial Office. See CO 60/28, pp. 90-91.

[14]Granville to Musgrave, 10 January 1870, Great Britain, Colonial Office, Despatches to B.C. (hereafter referred to as Despatches to B.C.).

[15]Draft of a letter to Treasury, 9 October 1866, on Seymour to Elliot, 14 September 1866, CO 60/26, p. 434.

[16]Minute by Rogers on Carnarvon to Rogers, 24 December 1869, CO 60/37, p. 510.

[17]Rogers to the Secretary. Lords Commissioners of the Treasury, 12 January 1870, CO 60/37, pp. 518-519; minutes by Kimberley on Musgrave to Kimberley, 12 August 1870, CO 60/40, p. 5.

[18]Minute by Rogers on Musgrave to Kimberley, 12 August 1870, CO 60/40, p. 16.

[19]Musgrave to Granville, 2 September 1869, Despatches to London, pp. 154-155. Former governor Sir James Douglas noted the governor's salary in Newfoundland was £2000 in a colony where the population approached 120,000, "or about ten times the white population of British Columbia." Hence Douglas hoped "the Govrs salary will be reduced to something more reasonable than it is now . . . besides house furniture, Steam Yacht and other expenses which it is to be feared, run away with £2000 per anm more of the public money. . . . This lavish expenditure is unjust and oppressive and cannot certainly meet the approval of the Colonial minister." Douglas to Alexander Grant Dallas, 18 June 1869, Private letterbook correspondence, Douglas Collection, PABC.

[20]Musgrave to Granville, 2 September 1869, Despatches to London.

[21]Granville to Musgrave, 10 January 1870, Despatches to B.C.

[22]Musgrave to D. Cleine Gregor, 21 June 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[23]Musgrave to Joycey Musgrave Coull, 13 April 1868; Musgrave to Burnthorn, 8 April 1868 and 17 June 1868, Musgrave to William /Coull/, 1 July 1868; Musgrave to Burnthorn, 24 July 1868, Private letterbook correspondence, Musgrave Papers, Duke.

[24]Musgrave to William, 18 October 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[25]P. F. Palmer, "A Fiscal History of British Columbia in the Colonial Period" (unpublished Ph. D. thesis, Stanford University, 1932), pp. 302-303; Musgrave to Kimberley, 19 November 1870, Despatches to London.

[26]Seymour to Buckingham, 18 October 1867, CO 60/29, pp. 303-304; minute by Rogers on Seymour to Buckingham, 19 March 1868, CO 60/32, p. 155.

[27]Buckingham to Seymour, 13 November 1867, CO 60/30, pp. 249-257.

[28]Minute by Rogers on Seymour to Buckingham, 24 March 1869, CO 60/35, p. 432.

[29]Buckingham to Seymour, 26 June 1868 (No. 40), Despatches to B.C.

[30]Minute by Rogers on Seymour to Buckingham, 24 March 1869, CO 60/35, pp. 432-433.

[31]Colonist, 4 September 1869, p. 2.

[32]Minutes, Executive Council of British Columbia, 7 December 1869, PABC.

[33]Ibid., 20 January 1870, p. 2.

[34]Musgrave to Granville, 22 December 1869, Confidential, CO 60/36, p. 561.

[35]Ibid., p. 562.

[36]Ibid., p. 563

[37]Ibid., pp. 564-566.

[38]Minute by Cox on Musgrave to Granville, 22 December 1869 (No. 40), CO 60/36, p. 549.

[39]Minute by Rogers, ibid., p. 550.

[40]Musgrave to Granville, 3 February 1870, CO 60/38, p. 109. The telegram offering Needham the post was sent on 19 January. In the three week interval prior to his acceptance, Musgrave likely impressed upon Needham the damaging effect his refusal might have on the body politic. Needham had refused a similar

post in Singapore which the Duke of Buckingham had offered him in the fall of 1867 (Minute by Buckingham on Seymour to Buckingham, 18 October 1867, CO 60/29, p. 307) and it is likely that he would have turned down this second offer had he not been facedwith an impartial governor disconnected with so many of the petty jealousies surrounding the case.

[41] Journals of the Legislative Council of British Columbia (New Westminster/Victoria: Government Printing Office, 1870), Schedule of Bills Introduced.

[42] Musgrave to Dudley Field, 18 October 1869, Private letterbook correspondence, Musgrave Papers, Duke. In a letter to his brother-in-law he noted: "I am too much pressed by business as yet to enjoy private correspondence." Musgrave to William /Coull/, 18 October 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[43] Musgrave to Granville, 20 October 1869, Despatches to London.

[44] Musgrave to Granville, 20 October 1869, No. 14, Despatches to London.

[45] Musgrave to Granville, 27 November 1869, Despatches to London.

[46] Musgrave to Granville, 30 December 1869, Despatches to London.

[47] Minute by Musgrave on H. P. P. Crease to Colonial Secretary, Colonial Correspondence, PABC, F70/15.

[48] Minute by Musgrave on Robert Ker to Colonial Secretary, 27 November 1869, Colonial Correspondence, PABC, F77/6.

[49] Minute by Musgrave on Robert Ker to Colonial Secretary, 9 December 1869, Colonial Correspondence, F77/7.

[50] Ibid. In a private not the Crown Agent, Penrose Julyan, Musgrave admitted, "the financial arrangements have been awfully muddled but I am trying by degrees to get things straight. . . . . But if there should still be any accident by hitch or misunderstanding, pray don't blow us up through the C. O. but let me have a private note and I will have the matter put right." 30 November 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[51] Memo by Musgrave to the Colonial Secretary, 10 December 1869, enclosure in John Graham to Colonial Secretary, 24 December 1869, Colonial Correspondence, PABC, F1768/7.

[52]Musgrave to Granville, 27 November 1869, Despatches to London.

[53]Minute by Musgrave on Graham to Colonial Secretary, 24 December 1869, Colonial Correspondence, PABC, F1768/7.

[54]H. P. P. Crease to Alfred R. Roche: "The Governor (Musgrave) is thoroughly up with figures and our finances getting into prime order and will as far as we can see certainly improve not fall off." 12 February 1870, Private letterbook correspondence, 1869-1870, Crease Collection, PABC.

[55]Minute by Musgrave on Arthur Bushby to Colonial Secretary, 27 December 1869, Colonial Correspondence, Post Office Department, PABC. The correction is Musgrave's.

[56]Ibid.

[57]Ibid.

[58]Anthony Musgrave to Charles Cox, 22 January 1870, CO 60/36, p. 451.

[59]Ibid.

FOOTNOTES: Chapter 4

[1]Musgrave to Sir John Young, 2 November 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[2]Ibid.

[3]Ibid.

[4]Colonist, 30 September 1869, p. 3.

[5]Musgrave to Granville, 15 October 1869, Despatches to London.

[6]Musgrave to Field, 18 October 1869, Musgrave Papers, Duke.

[7]Colonist, 16 October 1869, p. 2.

[8]Musgrave to Granville, 30 October 1869, Despatches to London.

[9]Journals of the Legislative Council of B.C. (1867), p. 50.

[10]Tim Trousdell, "'From Sea to Sea' — Negotiations Between Ottawa and London," in W. George Shelton, ed., British Columbia and Confederation (Victoria: Morriss Printing, 1967), pp. 130-133.

[11]Minute by Crease to Hankin on Hankin to Granville, 19 July 1869, Confidential, CO 60/36, pp. 266-267.

[12]Ibid., p. 266.

[13]Granville to Musgrave, 17 June 1869, CO 60/36, pp. 25-26.

[14]Granville to Musgrave, 14 August 1869, Despatches to B.C.

[15]Ibid.

[16]Musgrave to Granville, 30 October 1869, Despatches to London.

[17]Musgrave's initiative in publishing Lord Granville's despatch was regarded favourably by the Colonial Office where it was noted that "it will shew the people that the Home Govt take at least some interest in their well being." Minute by Charles Cox on Musgrave to Granville, 30 October 1869, CO 60/36, p. 448.

[18]See minutes by four officials of the Executive Council in Hankin to Granville, 19 July 1869, Confidential, CO 60/36, pp. 254-281. "Mr. Seymour never gave the public servants any special instructions on the subject he left us to speak or vote as we thought fit. Privately I have often heard him say that he was by no means averse to the measure." Wymond Hamley to Hankin, ibid., p. 279.

[19]Musgrave to Granville, 30 October 1869, Despatches to London.

[20]Ibid. In a private letter (22 January 1870) to Charles Cox, Chief Clerk in the North American Department of the Colonial Office, Musgrave asked Cox to delete some of the passages "which it might do harm to make public" if his despatch of 30 October were printed for Parliament. "It is exceedingly difficult," Musgrave confided, "to write fully on some subjects without saying things which you would rather not have published in the place to which your remarks refer; and it is so almost equally to sift a subject as to separate all that is disagreeable for a Confidential Despatch." CO 60/36, p. 450.

[21]Colonist, 18 May 1870, p. 3.

[22]Musgrave found the financial position of the colony unsatisfactory. Revenues were consistently overestimated and annual votes were exceeded resulting in a deficit of $27,348 along with $291,632 in loans outstanding and other long term liabilities. No provision had ever been made for the payment of these liabilities, and Musgrave had begun preliminary negotiations with Crease as agent of the Colonial Securities Company in British Columbia to have the Company assume the Colony's debts at 6% instead of 12 %. Crease was also Attorney General at the time. A "paper duel" ensued with Penrose Julyan of the Crown Agents who disagreed with Musgrave's scheme and who put forth his own instead. The whole matter was laid to rest once confederation was accomplished and the Dominion agreed to assume the debts of the colony. See Musgrave to Granville, 24 January, 17 May, and 17 November 1870, and minute by Charles Cox on Musgrave to Granville, 17 November 1870, CO 60/41, p. 218.

[23]Colonist, 31 October 1869.

[24]Minutes, Executive Council of British Columbia, 22 October 1869, PABC.

[25]Crease Papers, v. 6/36, p. 5, Add. MSS. 55, PABC.

[26]Crease to Roche, 7 October 1869, v. 1/1, p. 111, Add. MSS. 55, PABC.

[27]Ibid., pp. 114-115.

[28]Colonist, 12 May 1869, p. 3. In his 1868 campaign, Davie had stated that the colony's temporary grievances would become permanent under confederation and characterized a vote in favour of confederation as a leap from the frying pan into the fire. Colonist, 28 September 1868, p. 3.

[29]Colonist, 2 November 1869, p. 2.

[30]Colonist, 16 November 1869, p. 2.

[31]The Newfoundland election regarding confederation was held on 13 November 1869.

[32]Colonist, 30 November 1869, p. 3.

[33]Ibid.

[34]Ibid. J. D. Pemberton, K. MacKenzie, and A. C. Anderson were all old Hudson's Bay Company men, long opponents of De Cosmos.

[35]Colonist, 7 December 1869, p. 3.

[36]Ibid., p. 2.

[37]Musgrave to Young, 2 November 1869, Private letterbook correspondence, Musgrave Papers, Duke.

[38]Clause VI in the proposed terms of confederation appeared thus: "Suitable pensions, such as shall be approved by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's Servants in the Colony, whose postion and emoluments derived therefrom would be affected by political changes on the admission of this colony into the Dominion of Canada." Journals of the Legislative Council of B.C. (1870), p. i. For a discussion of the role of pensions, see Susan Dickinson Scott, "The Attitude of the Colonial Governors and Officials towards Confederation," in Shelton, ed., British Columbia and Confederation, pp. 143-164.

[39]Musgrave to Granville, 5 April 1870, Despatches to London.

[40]Musgrave to Granville, 1 January 1870, Despatches to London.

[41]Musgrave to Macdonald, 10 May 1870, Private letterbook correspondence, Musgrave Papers, Duke.

[42]Ibid.

[43]Journals of the Legislative Council of B.C. (1870), p. 3.

[44]Ibid., pp. 3-4.

[45]Musgrave to Granville, 21 February 1870, Despatches to London.

[46]Journals of the Legislative Council of B.C. (1870), p. 4.

[47]"I think De Cosmos is far from being a wise man, and I regard his scheme as so much 'bosh'," Musgrave told Helmcken of De Cosmos' programme of responsible government with confederation. Musgrave to Helmcken, 16 May 1870, Helmcken Collection, PABC.

[48]Hankin to Buckingham, 11 March 1870, in W. E. Ireland, ed., "An Official Speaks Out," British Columbia Historical Quarterly, XIII (January 1949), p. 37.

[49]Musgrave to Macdonald, 10 May 1870, Private letterbook correspondence, Musgrave Papers, Duke.

[50]Minute by Robert Henry Meade, private secretary to Lord Granville, on Musgrave to Granville, 4 February 1870, CO 60/38, p. 115. Arthur Gordon when governor of Trinidad tried to remove his Attorney General, Charles W. Warner, from colonial politics but, according to Professor Chapman, "Granville objected to'"kicking people upstairs" in consequence of their bad qualities' and refused to accept the suggestion." Chapman, Arthur Hamilton Gordon, p. 95.

[51]Minute by Holland on Musgrave to Granville, 4 February 1870, CO 60/38, p. 115. It is difficult to ascertain if the Colonial Office's view of Crease's appointment was shared by Musgrave. On 2 February 1870 Musgrave informed Crease that he had asked Lord Granville to appoint him puisne judge with the single comment, "perhaps they will do the civil thing." A month before, Crease had been unhappy about a report that the governor had ordered him to produce for the Secretary of State concerning the fees of the Attorney General, which Musgrave wanted to make uniform. "The compensation Mr. Seymour promised me is practically denied me by a minute of Governor Musgrave," Crease complained at the time." Musgrave to Crease, 2 February 1870;

Musgrave to Granville, 26 November 1869, Despatches to London; Crease to Birch, 20 January 1870, Crease Collection, PABC.

[52]Musgrave to Granville, 5 April 1870, Despatches to London.

[53]Musgrave to Sir John Young, 8 May 1870, Private letterbook correspondence, Musgrave Papers, Duke.

[54]Musgrave to Granville, 5 April 1870, Despatches to London.

[55]Minutes on Musgrave to Granville, 5 April 1870, CO 60/38, p. 229.

FOOTNOTES: Chapter 5

[1]Musgrave to Granville, 23 February 1870, Despatches to London.

[2]Granville promised Seymour he would consider any detailed proposal providing suitable representation of the population. Seymour acknowledged receipt of this communication but never had an opportunity to suggest a scheme before he wrote his last despatch on 17 May 1869. Granville to Seymour, 5 March 1869, Despatches from London; Seymour to Granville, 4 May 1869, Despatches to London.

[3]Musgrave to Granville, 23 February 1870, Despatches to London.

[4]Ibid.

[5]Hankin's opinions of the confederate party were highly critical: "What they all try to hold out for here, is Responsible Governt; & that they certainly are not fit for." Hankin to Buckingham, 11 March 1870, in Ireland, ed., BCHQ, XIII, 36-37.

[6]The Colonial Office List (1871), p. 8. See also Ethel Drus, ed. "A Journal of Events During the Gladstone Ministry, 1868-1874, by John, First Earl of Kimberley," Camden Miscellany, XXI, 1958, p. xiii. Lord Kimberley, a man with "impeccable Whig sentiments," advocated greater autonomy for the colonies at a time when most people were pessimistic about their retention and as a result, Drus comments (pp. ix, x, and xvii), his colonial policy became "more vigorous and conciliatory."

[7]Hansard's Parliamentary Debates, Third Series (hereafter Hansard, III), v. CCIII, 11 July 1870 - 10 August 1870, 393-394.

[8]E. R. Wodehouse, private secretary to Lord Kimberley, outlined reasons why the Secretary of State should reject the demands of the colonists for responsible government. With British Columbia's "mixed and fluctuating population," he stated, "introduction of Responsible Government might lead to harsh treatment of the Indian aborigines, and . . . it might hinder the confederation of Brit. Columbia with the Canadian Dominion." Minute to Kimberley on Musgrave to Granville, 23 February 1870, CO 60/38, p. 209.

[9]Minute by Rogers, ibid., p. 204.

[10]Ibid.

[11]Hansard, III, v. CCIII, General Index, 199-203.

[12]Colonist, 10 March, 8 April, and 10 April 1870.

[13]Colonist, 7 April 1870, p. 3. Earlier the Colonist had asserted that British Columbians could not trust "Imperial constitution manufacturers" and pointed to the Red River Rebellion as a good illustration of what could happen if people were not permitted control of their own affairs. 10 March 1870. p. 2.

[14]Colonist, 8 April 1870, p. 3. All those signing the requisition were reported to have been British subjects; others were not permitted to sign.

[15]Colonist, 10 April 1870, p. 3.

[16]Journals of the Legislative Council of B.C., 13 and 14 April 1870, pp. 53-55.

[17]Colonist, 13 April 1870, p. 2.

[18]Colonist,14 April 1870, p. 2. As for his choice of delegates, Musgrave told Helmcken, whom he was trying to persuade to agree to be a delegate to Ottawa, that"Even the Mayor, and Committee from the Public Meeting could not help admitting that I could not select a better man to work for the interests of the Colony than yourself." Musgrave to Helmcken, 18 April 1870, Helmcken Collection, PABC.

[19]Colonist, 17 April 1870, p. 2.

[20]Musgrave to Macdonald, 10 May 1870, Private letterbook correspondence, Musgrave Papers, Duke. Musgrave interpreted the agitation to incorporate responsible government into the terms of confederation as mere demagoguery: "They wish to do so because they are not sure that the majority really agree with them or would adopt the system per se, in the special circumstances of this colony so they wish to foist it on the shoulders of the Union & make Canada cats paw to get their political chestnuts out of the fire."

[21]Ibid.; Colonist, 14 April 1870, p. 3.

[22]Petitions, 18 April 1870, Colonial Correspondence, PABC.

[23]Humphreys to Musgrave, 18 April 1870, Colonial Correspondence, F815/7, PABC.

[24]Minute by Musgrave on petition from James Trimble et al. to the governor, n.d., Colonial Correspondence, PABC.

[25]Colonist, 29 April 1870, p. 2. In the same editorial the Colonist emphasized, "It is to be a firm but dignified opposition to the system, not to the individuals who carry it out, that we shall most surely and speedily obtain those full powers of self-government without which there can never be either contentment or prosperity."

[26]Colonist, 15 May 1870, p. 3.

[27]Ibid.

[28]Ibid., p. 2.

[29]Minute by Cox on Musgrave to Granville, 23 May 1870, CO 60/38, pp. 515-516.

[30]Memo by Herbert on Musgrave to Granville, 23 May 1870, CO 60/38, p. 510.

[31]Ibid., p. 517.

[32]Musgrave to Granville, 19 October 1870, Despatches to London.

[33]Minutes on Musgrave to Granville, 19 October 1870, CO 60/41, p. 167.

[34]Musgrave to Granville, 27 December 1869, Despatches to London.

[35]Musgrave to Sir John Young, 18 May 1870, Private letterbook correspondence, Musgrave Papers, Duke.

[36]Minute by Cox on Musgrave to Granville, 27 December 1869, CO 60/36, p. 573.

[37]Musgrave to Dudley Field, May 1870, Musgrave Papers, Duke.

[38]Colonist, 23 June 1870, p. 3; Musgrave to Granville, 2 July 1870, Despatches to London.

[39]Helmcken had returned on 18 July and on the following day had acquainted Musgrave with the settlement. Colonist, 19 July 1870, p. 3 and 20 July 1870, p. 3.

[40]Sir John Young to Musgrave, 7 July 1870, printed in Journals of the Legislative Council of B.C. (1870), pp. 3-4.

See also Musgrave to Trutch, 28 July 1870, O'Reilly Collection, PABC, wherein he praises Trutch for his efforts, admits astonishment that the railway terms were faced so "boldly," and concludes "the man must be unreasonable who does not admit that union on such terms must be greatly to our advantage."

[41]Musgrave to Trutch, ibid.

[42]Standard, 5 August 1870, p. 2.

[43]Standard, 12 July 1870, p. 2; 20 July 1870, p. 2; 2 September 1870, p. 3.

[44]Musgrave continued to suffer from erysepelas, a disease producing acute fever as a result of skin infection, through the summer of 1870. See Musgrave to Crease, 8 August 1870, Crease Collection, PABC ("I was confined to my bed for ten days, and suffered a great deal of pain and constitutional disturbance. Certainly I have had a long bout of it in one way and another."); Musgrave had the dead bone removed in July ("I was half frightened at the quantity which had to be taken away") but suffered another attack in 1871. Musgrave to Trutch, 28 July 1870, and Saturday /1871/, O'Reilly Collection, PABC.

[45]Zoe Musgrave to John Trutch, 7 September 1870, Folder 2-25, Trutch Papers, Special Collections, University of British Columbia.

[46]Musgrave to Crease, 3 October 1870, Crease Collection, PABC; Musgrave to Helmcken, 3 October 1870, Helmcken Collection, PABC; Zoe Musgrave to John Trutch, 1 October /1870/, Folder 2-25, Trutch Papers, Special Collections, University of British Columbia.

[47]Musgrave to Crease, 3 October 1870, Crease Collection, PABC. See also Kimberley to Musgrave, 22 August 1870, Government Gazette, 15 October 1870, p. 1. Musgrave told Crease he thought it was "a very flattering despatch."

[48]Musgrave to Helmcken, 3 October 1870, Helmcken Collection, PABC.

[49]Musgrave to Crease, 3 October 1870, Crease Collection, PABC.

[50]Trutch told Musgrave the Colonial Office thought Musgrave had been too liberal in some of his proposals. Musgrave to Helmcken, 3 October 1870, Helmcken Collection, PABC.

[51]Minutes, Executive Council of British Columbia, 12 October 1870, PABC. Government Gazette, 15 October 1870, pp. 3-6.

[52]Musgrave to Kimberley, 17 October 1870, Despatches to London.

[53]Musgrave to Kimberley, 19 October 1870 and 5 November 1870, Despatches to London.

[54]Minute by Musgrave on a petition from John Parker and others, 5 January 1870, Colonial Correspondence, "Petitions," PABC.

[55]Standard, 5 November 1870, p. 3. Musgrave generally referred matters between Indians and white settlers to Joseph Trutch for his observations, which the governor generally accepted. See minutes by Musgrave and Trutch, 27 April 1870, 12 May 1870, Colonial Correspondence, "Petitions," PABC. For Trutch's views on Indians see Robin Fisher, "Joseph Trutch and Indian land policy," B.C. Studies, No. 12 (Winter 1972), pp. 3-33.

[56]Musgrave to Macdonald, 24 November 1870, Private letterbook correspondence, Musgrave Papers, Duke. Robson's position on responsible government vis a vis confederation is not altogether clear. Ivan Antak argues that Robson wanted responsible government with or without confederation, but H. Robert Kendrick claims Robson wanted it only with confederation. Musgrave seems to have considered Robson an opponent of responsible government judging from his remarks to Macdonald. See Antak, "John Robson: British Columbia" (unpublished M.A. thesis, University of Victoria, 1972), p. 78, and Kendrick, "Amor De Cosmos and Confederation," in Shelton, ed., B.C. & Confederation, p. 87.

[57]Sentinel, 15 October 1870, p. 3. Carrall was also reported to have stated that if British Columbia stayed out of confederation "he would oppose responsible government."

[58]Crease to Trutch, 31 January 1871, Private letterbook correspondence, 1870-1873, Crease Collection, PABC.

[59]Crease to Trutch, 23 February 1871, ibid.

[60]Musgrave to Crease, 11 February 1871, Private letterbook correspondence, Musgrave Papers, Duke.

[61]Crease to Trutch, 31 January 1871, Private letterbook correspondence, 1870-1873, Crease Collection, PABC.

[62]Musgrave to Macdonald, 24 November 1870, Macdonald Papers, PAC.

[63]Ibid.

[64]Musgrave to Kimberley, 22 December 1870, Despatches to London.

[65]At the Colonial Office, R. G. W. Herbert assessed the governor's remarks to the Legislative Council as "judicious" and considered the colony fortunate in having Musgrave "at this critical point in its history." Minute by Herbert on Musgrave to Kimberley, 11 January 1871, CO 60/43, p. 26.

Musgrave had asked Helmcken to preside as speaker over this important session of the Council, an invitation that Helmcken declined. As speaker, Helmcken could not have participated in the votes during the session (save in the event of a tie) and Musgrave, still unsure of Helmcken's allegiance to the government programme, may have hoped to place the doctor in a situation where he might do the least harm. Musgrave to Helmcken, 3 October 1870, Helmcken Collection, PABC; Journals of the Legislative Council of B.C., (1871), p. 1.

[66]Standard, 7 January 1871, p. 2, and 6 January 1871, p. 2.

[67]Journals of the Legislative Council of B.C., 12 January 1871, p. 9.

[68]Standard, 13 January 1871, p. 3.

[69]A close reading of the proceedings of that day, 12 January 1871, shows that when Messrs. Trutch, Phillippo, Pemberton and Alston retired from the Council, Messrs. Nathan and Nelson came over to the government's side to carry the question, indicating their wish that it would be better to have responsible government at least subsequent to confederation as opposed to not at all. The latter alternative appeared to be the wish of De Cosmos and his two cohorts as reflected in their adamant stand against Helmcken's motion and the question of responsible government. Journals of the Legislative Council of B.C., 12 January 1871, pp. 9-10.

[70]Journals of the Legislative Council of B.C., 20 January 1871, p. 17; Musgrave to Kimberley, 22 January 1871, Despatches to London.

[71]Musgrave to Macdonald, February 1871, Private letter-book correspondence, Musgrave Papers, Duke.

[72]Ibid.

[73]Musgrave to Kimberley, 18 January 1871, Confidential, CO 60/43, pp. 26-31; 9 February 1871, Despatches to London; Musgrave to Lord Lisgar, 22 November 1870, CO 60/43, pp. 52-59; Minute for J. W. Trutch by Musgrave on Trutch to Kimberley, 17 May 1871, CO 60/44, pp. 378-388; Musgrave to Macdonald, February 1871, Private letterbook correspondence, Musgrave Papers, Duke.

[74]Musgrave to Kimberley, 31 March 1871, Despatches to London.

[75]Report by Attorney General to Governor enclosed in Musgrave to Kimberley, 31 March 1871, CO 60/43, p. 356.

[76]Standard, 22 March 1871, p. 2.

[77]Standard, 15 March 1871, p. 2.

[78]Standard, 20 March 1871, p. 3.

[79]Musgrave to Kimberley, 17 May 1871, Despatches to London.

[80]Minute by Herbert on Musgrave to Kimberley, 8 April 1871, CO 60/43, p. 439.

[81]B. W. Pearse et al. to Musgrave 6 May 1871, uncatalogued manuscript, PABC. Musgrave's comment to Lord Kimberley on this petition is curious in view of his previous opinions concerning responsible government. Musgrave felt the fears of the officials were unwarranted on the grounds that "Responsible Government in other places has not been found generally to work any injustice to persons in the public service." Musgrave to Kimberley, 11 May 1871, Despatches to London. Compare the latter comment with his statements to Kimberley on 8 April 1871, footnote 80 above.

[82]Minute by Kimberley on Musgrave to Kimberley, 8 April 1871, CO 60/43, p. 439.

[83]Reported in the Standard, 5 May 1871, p. 3.

[84]Musgrave to Macdonald, 24 November 1870, Macdonald Papers, PAC. Musgrave's personal finances were not on a sound footing. An appeal for financial assistance from his cousin forced Musgrave to declare that his own circumstances did not permit it: "I have not the money. My Bank account is overdrawn. I am embarrassed with further debt; and I could not raise the means without hampering myself

still more. My own position is critical. For the sake of my official standing & hope of future employment I must avoid increasing my pecuniary difficulties." Musgrave to Annette, 29 November 1870, Private letterbook correspondence, Musgrave Papers, Duke.

[85]Macdonald to Musgrave, 31 December 1870, Macdonald Papers, PAC.

[86]Musgrave to Kimberley, 22 January 1871, Despatches to London.

[87]Minute by Kimberley on Musgrave to Kimberley, 22 January 1871, CO 60/43, p. 40; Kimberley to Musgrave, 15 March 1870, Despatches to B.C.

[88]Minute by Hugessen on Musgrave to Kimberley, 9 February 1871, CO 60/43, p. 50.

[89]Musgrave to Doyle, 25 December 1870, Private letterbook correspondence, Duke.

[90]Musgrave to Sir George Cartier, 12 April 1871, Private letterbook correspondence, Musgrave Papers, Duke. Zoe Musgrave also commented on her brother's worsening condition: "Toney is very depressed about his leg which seems more crooked. Dr. Helmcken told me the other day he would never be otherwise than a cripple." Zoe Musgrave to John Trutch, 21 [April 1871], Trutch Papers, Special Collections, University of British Columbia.

[91]Musgrave to Lord Lisgar, 10 May 1871, Private letterbook correspondence, Musgrave Papers, Duke.

[92]Standard, 23 May 1871, p. 3. Increase of 100% over the previous year were reported; 21 June 1871, p. 3.

[93]Standard, 25 July 1871, p. 2.

[94]Minutes on Musgrave to Kimberley, 12 July 1871, CO 60/44, p. 146. Musgrave had already been honoured with the bestowal of the Order of St. Michael and St. George, third class, for his successful efforts in consumating the colony's union with Canada. Kimberley to Musgrave, 23 February 1871, Despatches to B.C.

[95]Barry Scott, "The Governorship of Sir Anthony Musgrave, 1883-1888" (unpublished B.A. Honours thesis, 1955), pp. 72-107.

FOOTNOTES: Chapter 6

[1]Blakeley, The Colonial Office, pp. 119-120.

[2]R. B. Joyce's work on Sir William MacGregor, another colonial governor of perhaps even less distinguished beginnings than Musgrave, shows that by the latter half of the nineteenth century, administrative ability as much as anything else tended to affect a governor's selection and promotion. Sir William MacGregor (Melbourne: Oxford University Press, 1971). On the other hand, influence was certainly a factor in the appointments of Governor Seymour and Arthur Hamilton Gordon, and Sir John Pope Hennessy (see Maier, "Frederick Seymour," Chapman, Arthur Hamilton Gordon, and James Pope-Hennessy, Verandah /London: George Allen and Unwin Ltd., 1964/).

[3]In assessing Musgrave's later contributions to economic theory, Crauford D. W. Goodwin has noted Musgrave's "willingness to challenge revered authority" and his sensible insights, "characteristics indicative of "an intelligent and creative thinker." C.D.W. Goodwin, Economic Enquiry in Australia (Durham: Duke University Press, 1966), pp. 542-543.

[4]Musgrave to George Ferguson Bowen, 29 May 1874, Private letterbook correspondence, Musgrave Papers, Duke.

[5]Musgrave to Cyrus Field, 25 May 1875, More Musgrave Papers, microfilm, Australia National University.

[6]Musgrave to Bowen, 29 May 1874, Private letterbook correspondence, Musgrave Papers, Duke.

A Note on Sources

Primary materials abound relating to British Columbia's colonial period. An important new source used extensively in this thesis are the Musgrave Papers, which are preserved at Duke University in North Carolina and the National Library of Australia at Canberra. Musgrave's private letter-book, held only by Duke University, contains correspondence with Sir John Young and other Canadian officials that is not found in the Macdonald Papers at the Public Archives of Canada. Musgrave's private papers have been supplemented with his despatches to London from Newfoundland (CO 194), held in microfilm by the Public Archives of Canada, and British Columbia (CO 60), held in microfilm by the Provincial Archives of British Columbia. Both series are a gold mine of information for the history of their respective colonies as they reveal through the minutes of various Colonial Office officials, the thinking that went into decisions affecting the colonies. In addition to the governor's official despatches, the Provincial Archives of British Columbia holds departmental correspondence from the colonial period, which reveals interesting minutes and memoranda by Musgrave on the day to day administration of the government. The letters of Zoe Musgrave (Musgrave's sister) to John Trutch, in the Trutch Papers held by Special Collections at the University of British Columbia Library provide a valuable social commentary on the period. The correspondence of Lord Lisgar

(Sir John Young) and Sir George Etienne Cartier in the Public Archives of Canada was searched to no avail for correspondence with Musgrave, but the Sir John A. Macdonald Papers contain a number of letters to and from Musgrave, some of which are also to be found in the Musgrave Papers. Other private correspondence by Musgrave providing insights into his character were obtained from a variety of archival respositories around the world, including the Royal Botanic Gardens at Kew, England (in the Sir Joseph Hooker collection); the Library of Congress, Washington, D. C. (in the Field collection); the Oxley Memorial Library, Brisbane, Australia (in the Musgrave collection); and the State Library of South Australia at Adelaide (in their Musgrave collection).

Theses pertinent to the history of Newfoundland for the period 1864 to 1869 include W. David MacWhirter, "A Political History of Newfoundland, 1865-1874" (unpublished M. A. thesis, Memorial University of Newfoundland, 1963), and Edward C. Moulton, "The Political History of Newfoundland, 1861-1869" (unpublished M. A. thesis, Memorial University, 1960). A more recent work by Frederick Jones entitled "Bishop Feild, A Study in Politics and religion in Nineteenth Century Newfoundland" (unpublished Ph. D. thesis, University of Cambridge, 1971), deals briefly with Musgrave's tenure in Chapter VIII, "Secular Politics, 1862-1869", and argues that Musgrave was the only interest favouring confederation in Newfoundland from 1864 to 1869.

Theses pertaining to the careers of colonial governors, including Musgrave himself, are Robert J. Cain's, "The Administrative Career of Sir Anthony Musgrave" (unpublished M. A. thesis, Duke University, 1965), which provides an overall view of Musgrave's colonial service from Newfoundland in 1864 until his death in Queensland in 1888. His chapter on Newfoundland relies heavily on E. C. Moulton's thesis, and his superficial treatment of Musgrave in British Columbia depends chiefly upon Margaret A. Ormsby's British Columbia: A History (Vancouver: Macmillans, 1958). Cain did not consult even Musgrave's despatches to the Colonial Office. Another thesis dealing with Musgrave's career as governor is Barry Scott's "The Governoship of Sir Anthony Musgrave, 1883-1888" (unpublished B. A. Honours thesis, University of Queensland, 1955) which is useful in providing an analysis of Musgrave's last term of office. Two other theses showing the administrative style and technique of contemporaries of Musgrave's are Neil Illingworth Graham, "Sir George Bowen's Governorship of Queensland, 1859-1867" (unpublished M. A. thesis, Birbeck College, University of London, 1961), and Ronald H. MacDonald, "The Public Career of Major-General Sir Charles Hastings Doyles, 1861-1873" (unpublished M. A. thesis, Dalhousie University, 1969). Also useful is Margaret A. Ormsby's "The Relations Between British Columbia and The Dominion of Canada, 1871-1885" (unpublished Ph. D. thesis, Bryn Mawr College, 1937).

Standard works on the history of the Colonial Office include Henry L. Hall, The Colonial Office, A History (London: Longman's, Green and Co., 1937), the first general administrative history of the Office; D. M. Young's The Colonial Office in the Early Nineteenth Century (Longmans, Green and Co. Ltd., 1961), provides a closer examination of the evolution of the Colonial Office from its earliest beginnings to 1830; W. P. Morrell's British Colonial Policy in the Mid-Victorian Age (Oxford: Clarendon Press, 1969), examines colonial policy as it affected South Africa, New Zealand, and the West Indies; John W. Cell's British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process (New Haven: Yale University Press, 1970), extends the work of Young's study through the nineteenth century; and Brian L. Blakeley's, The Colonial Office, 1868-1892 (Durham: Duke University Press, 1972) studies in detail the effects of the reorganiztion of the Colonial Office from 1868 and the influence of R. G. W. Herbert upon colonial policy.

In his Preface to The Career of Arthur Hamilton Gordon, First Lord Stanmore, 1829-1912 (Toronto: University of Toronto Press, 1964), John K. Chapman notes the shortage of scholarly biographies of colonial governors. One other comparable work has since appeared, R. B. Joyce's Sir William MacGregor (Melbourne: Oxford University Press, 1971). James Pope-Hennessy's Verandah: Some Episodes in the

Crown Colonies, 1867-1889 is a popular treatment of his grandfather's career as a colonial governor. All three works provide a valuable backdrop to Musgrave's own career in the colonial service. Deryck Scarr, the author of a recent study of Sir John Bates Thurston, governor of Fiji, The Majesty of Colour, A life of Sir John Bates Thurston (Canberra, Australian National University Press, 1973) seems to think "biographies of colonial governors, as a genre, are dead." Only three serious treatments of colonial governors since Chapman's call to arms in 1964 would appear to render Scarr's judgement somewhat premature.

Inquiries of the University of The West Indies and The West India Committee in London failed to produce any primary material pertinent to the Musgrave family in Antigua. However, the St. John's Public Library, at Antigua, has a copy of a published version of the Musgrave family tree with accompanying notes on the family. The source of this information is taken from Vere Langford Oliver's The History of the Island of Antigua (London: Mitchell & Hughes, 1894-1899), which the Library of Congress, Washington, D. C. microfilmed for me. Other mid-nineteenth century accounts of life in the West Indies, particularly Antigua, include Charles William Day, Five Years' Residence in The West Indies (London: Colburn and Co., 1852), 2 vols.; John Davy, The West Indies before and since Slave Emancipation . . .

(London: W. & F. G. Cash, 1854, reprinted by Frank Cass & Co. Ltd., London, 1971); Anitgua and the Antiguans . . . (London: Saunders and Otley, 1844).

Other basic histories of the British West Indies referred to are J. H. Parry and P. M. Sherlock, A Short History of the West Indies (London: Macmillan & Co. Ltd., 1960); Sir Allan Burns, History of the British West Indies (London: George Allen & Unwin Ltd., 1965); Douglas Hall, Five of the Leewards, 1834-1870 (Barbados: Caribbean Universities Press, 1971); Gordon K. Lewis, The Growth of the Modern West Indies (London: Macgibbon & Kee, 1968); and Hume Wrong, Government of the West Indies (New York: Negro Universities Press, 1969). Wrong's book, a very concise, scholarly treament of the region's constitutional development under the British, is still accurate despite its original printing in 1923.

General reference works on Canada during the confederation period include Donald Creighton, The Road to Confederation (Toronto: Macmillan of Canada, 1964); W. L. Morton, The Critical Years (Toronto: McClelland and Stewart Limited, 1968); Peter B. Waite, The Life and Times of Confederation, 1864 to 1867 (Toronto: University of Toronto Press, 1967); and William Menzies Whitelaw, The Maritimes and Canada before Confederation (Toronto: Oxford University Press, 1966).

The first published study of Musgrave's administration

of the colony of British Columbia was by Frederick W. Howay, "Governor Musgrave and Confederation," Royal Society of Canada, Transactions, 3rd Series XV (1921), Sec. II, pp. 15-31. Howay was forced to rely chiefly on the newspapers and published proceedings of the Legislative Council of British Columbia for his interpretation of Musgrave's administration. Since then, additional monographs have appeared, of which two recent works are contained in W. George Shelton, ed., British Columbia & Confederation (Victoria: Morriss Printing Company Ltd., 1967). Tim Trousdell's essay "'From Sea to Sea' — Negotiations between Ottawa and London" considers in part Musgrave's role in the negotiations. Susan Dickinson Scott's essay "The Attitudes of the Colonial Governors and Officials towards Confederation" deals more directly with the force of personality through extensive use of primary sources. Isabel Bescoby's "A Colonial Administration, An Analysis of Administration in British Columbia, 1869-1871," Canadian Public Administration, X (March 1967), pp. 48-104, considers Musgrave's administration from the point of view of a public administrator and assesses Musgrave's handling of circumstances and individuals in the context of the administrative machinery at his disposal. The essays by Bescoby and Scott benefitted from the rich collections held by the Provincial Archives of British Columbia, notably the Crease, Helmcken, and O'Reilly Collections.

Four newspapers, publishing during Musgrave's administration

were consulted. The Daily British Colonist, founded by Amor De Cosmos in 1858, was published by David W. Higgins from 1869 to 1871 under the editorial direction of John Robson. Throughout, the Colonist was a reform paper of varying degrees, campaigning for representative and responsible government, and viewing confederation as the means to those ends. The Mainland Guardian, under its editor J. K. Suter, commenced publication in 1869 and supported confederation for the economic advantages that would accrue to New Westminster over Victoria once a rail link with the east was guaranteed. The Cariboo Sentinel was also anxious to see the end of Victoria dominance and demagoguery and generally supported the governor and his officials over the De Cosmos faction. The Daily Standard was borne in 1870 out of De Cosmos' wish to publicize his own opinions regarding responsible government. With co-editor James E. McMillan, De Cosmos opposed Higgins and Robson on virtually every topic of the day and assumed a position more radical in its criticism of the governor than that presented by either the Guardian or the Colonist.

Finally, the Journals of the Legislative Council of British Columbia, 1864-1871 (Victoria: Queen's Printer) provide a valuable guide to the proceedings of the government of the colony and an official record of the legislative accomplishments of British Columbia's last governor.

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VITA

Surname: HAWORTH Given Names: KENT MacLEAN

Place of Birth: VANCOUVER, B. C. Date of Birth: 11 February 1946

Educational Institutions Attended,
with Dates of Entering and Leaving:

UNIVERSITY OF BRITISH COLUMBIA	1964 to 1968
UNIVERSITY OF BRITISH COLUMBIA	1971 to 1972
UNIVERSITY OF VICTORIA	1973 to 1975

Degrees, Diplomas, Etc., Awarded,
with Dates and Names of Institutions:

B. A.	1968	University of British Columbia

Honors and Awards:

Canadian University Service Overseas Graduate Fellowship, 1971/72

University of British Columbia Graduate Scholarship, 1971/72

Publications:

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Author [redacted]

Signature

Kent MacLean HAWORTH

Name

29th August, 1975

Date