

“Poor Gaggin”: Irish Misfit in the Colonial Service*

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In December 1858 John Boles Gaggin resigned his commission as first lieutenant in the Royal Cork Artillery Militia, and, armed with an introduction from the Secretary of State for the Colonies to Governor James Douglas, prepared to seek his fortune in the newly established gold colony of British Columbia.¹ He was one of a group of Anglo-Irish gentlemen recommended to Sir Edward Bulwer Lytton by that “intellectual, picturesque, and friendly Irishman” Chichester Fortescue, who served as Parliamentary Undersecretary at the Colonial Office during most of the period 1857-1865. At this time the Colonial Secretaryship itself was held by members of the nobility, and affairs abroad were consequently much under the influence of the “swarm of Under Secretaries [who] had to meet the House of Commons.” Gilbert Malcolm Sproat, from whose fragmentary but illuminating “History of British Columbia”² the foregoing quotations are taken, admits that Chichester Fortescue’s recommendations for the Colonial Service of British Columbia, “though over-numerous and followed by expectants, were, generally, men of a good character.” Most of them, it appears, made a success of their new career.³ J. Boles Gaggin (as he usually signed himself) most emphatically did not. He had many admirable qualities; but as a cog in the civil service machine he was a perpetual source of concern to his colleagues, and he finally managed to provoke a full-scale confrontation with the Governor of British Columbia himself.

This encounter sheds light on the inner workings of the civil service in

*This article constitutes an expansion of a short biography of John Boles Gaggin commissioned for a forthcoming volume of the *Dictionary of Canadian Biography*, and is printed here by permission of the general editor of *DCB*.

¹ The original commission, the letter of introduction, and the testimonials cited in the following paragraph are all in the J. B. Gaggin Correspondence, Colonial Correspondence, the Provincial Archives of British Columbia (hereafter cited as PABC).

² MS, PABC.

³ See Margaret A. Ormsby, “Some Irish Figures in Colonial Days,” *British Columbia Historical Quarterly* XIV (1950), pp. 61-82.

those days. It also reveals that James Douglas, in his stiff and sober Scottish rectitude, was capable of meting out something less than even-handed justice to an admittedly exasperating subordinate whose temperament and lifestyle were poles apart from his own. Hence the career of John Boles Gaggin, himself of no great importance as a colonial official, is not without interest to the historian of British Columbia.

In addition to the usual form letter of introduction signed by Lytton, Gaggin brought with him testimonials from his superior officers in the Royal Cork Artillery: Lord Bandon, Lieutenant of County Cork and Colonel of the regiment, and Lieutenant-Colonel Andrew J. Wood, who bore witness to his "high character as an Officer and a Gentleman" and were "extremely sorry" to lose him. Baron Riversdale, Bishop of Killaloe and Ireland, also testified, describing Gaggin as "a young man of excellent character & conduct, of moral habits & most respectable family." Before his translation to Killaloe in 1839 the Hon. Ludlow Tonson had been Rector of Agherne, in the diocese of Cloyne,⁴ and there is reason to believe that it was from this part of County Cork that John Boles Gaggin came. He himself said that he held "an honourable name transmitted to me untarnished through generations."⁵ His name has not been traced in Burke's *Peerage* or in *The Landed Gentry of Ireland*, but these publications are perhaps confined to a somewhat higher social level than is implied in the Bishop's "most respectable family." Local directories up to 1893 record a number of families named *Boles* or *Gaggin*, most of them in the diocese of Cloyne.⁶ It is tempting to speculate on a possible connection between the Rev. William Boles, whose residence, *Springfield*, was a mile or so outside the "small, neat, clean, and respectably inhabited town" of Castlemartyr, and his neighbour some three miles distant along the road to Fermoy, the Rev. Richard Gaggin of Dungourney.⁷ It would appear that John Boles Gaggin was born in the early 1830s,⁸ but no entry relating to

⁴ See *Alumni Cantabrigienses*, ed. J. A. Venn, Part II, 1752-1900, Cambridge, 1944.

⁵ Gaggin to Colonial Secretary, 6 January 1864. All the letters signed by Gaggin which are cited in this article will be found, unless otherwise indicated, in the J. B. Gaggin Correspondence, Colonial Correspondence, PABC.

⁶ The Librarian of the City of Cork, Mr. Sean Bohan, was kind enough to check the local directories in his possession. Between 1844 (the earliest in his file) and 1907 a number of families called *Boles* or *Gaggin* are listed, most of them in the diocese of Cloyne.

⁷ See James Fraser, *Hand-book for Travellers in Ireland*, Fifth edition, Dublin, N.D. (fourth edition 1854), pp. 291-2.

⁸ In his "Confidential report" on his officers in 1863 Governor Douglas gave Gaggin's age as "about 28" (Douglas to the Duke of Newcastle, 13 February 1863. PRO microfilm CO 60/18, PABC). But A. T. Bushby, probably on the basis of the

him has been traced in the register of baptisms for the diocese of Cloyne.⁹ That he was a Protestant by conviction as well as, presumably, by birth is clear from a private letter he wrote in 1863: "... though I don't like him, or any other d--d papist in particular I can not avoid noticing the spite shown towards him by even those of his own kidney. . . ."¹⁰

The exact date on which Gaggin left Ireland has not been ascertained. It seems very likely that he came to British Columbia by the New York-Panama-San Francisco route, for he was certainly aboard the *Golden Age* when she sailed from Panama on 16 March 1859, and he left San Francisco on the *Brother Jonathan* on April 1. On 10 April 1859 he arrived at Victoria in company with Peter O'Reilly, Robert Ker, Charles Good, Robert (?) Stewart and John Connell, all of whom except Stewart were to find positions in the public service of the mainland colony.¹¹

Gaggin himself was appointed chief constable at Yale in June 1859.¹² At the beginning of October he became stipendiary magistrate and assistant gold commissioner at Port Douglas,¹³ the settlement at the southern terminus of the Harrison-Lillooet route to the gold mines of the Fraser River, a road which had been commenced by the miners themselves, under the supervision of the government, in October 1858 and then improved by the Royal Engineers. Like the other assistant gold commissioners in the British Columbia service, he also served as justice of the peace, county court judge, deputy collector of customs, deputy sheriff, head of the postal

marker on Gaggin's grave, which he visited in 1874, says that he died (in 1867) "aetat 36." (Journal, 1874, MS, PABC).

⁹ The parish registers of Cloyne escaped the fire of 1922 and are now in the Public Record Office in Dublin, but the Deputy Keeper informs me that a search of the register of baptisms 1821-1862 has found no entry relating to John Boles Gaggin. He also informs me that the Cork Military records for 1855, the year that Gaggin joined the Cork militia, are not extant.

¹⁰ Gaggin to H. P. P. Crease, 24 April 1863. Crease Correspondence Inward, Crease Collection, PABC.

¹¹ See the diary of Peter O'Reilly, *passim*, March-April 1859, MS, PABC. O'Reilly himself sailed from Galway for New York on the *Prince Albert* on 5 February 1859 and on the *Illinois* for Aspinwall on 7 March; but it is not until 22 March 1859 that the name of Gaggin occurs in his diary. See also *Victoria Gazette*, 12 April 1859. Stewart returned to England on 28 August 1859 (O'Reilly, diary).

¹² W. A. G. Young to Chartres Brew, 8 June 1859, and to E. H. Sanders, 16 June 1859. These two letters, and all other letters signed by the Colonial Secretary, will be found, unless otherwise indicated, in British Columbia, Colonial Secretary, Correspondence outward, 1859-1867 (Letter-books Nos. 2-7).

¹³ The British Columbia *Blue Books*, 1860-1867, give the date of this appointment as 4 October 1859.

service, and sub-commissioner of lands and works.¹⁴ In this latter capacity he was responsible for inspecting and keeping in repair the two perennially troublesome portages along the chain of lakes between Port Douglas and Pemberton. From time to time during his first years at Port Douglas he received the Governor's "entire approval for his promptitude and judgment in keeping the communications open for traffic."¹⁵

As a magistrate, Gaggin tried hard to carry out his duty. He did not please everybody: in 1860 the *Victoria Colonist* received anonymous letters laying "heavy charges" against Mr. Gaggin. Quite properly, the editor refused to publish these without "some responsible names"; a fortnight later he printed a letter addressed to Gaggin by more than thirty substantial citizens of Port Douglas, headed by the Church of England clergyman James Gammage: "We are perfectly satisfied with the manner you adjudicate the cases brought before you, and . . . we are always ready to assist you in furthering the ends of justice, and defeating the aims of malicious persons."¹⁶

Like most of the other assistant gold commissioners, Gaggin had no legal training, and he wrote frequently, on an informal basis, to Attorney-General Henry P. Pellew Crease for advice. "What am I best do?" he asks, in the matter of four Indians he has just committed for trial at the assizes for stealing a barrel of whiskey:

Tis the deuce keeping the fellows in and giving them . . . free quarters when tried. Don't you think it wd be better, if practicable, and advise, for me to give them what I may think proper, thereby saving cost to Government, and punishing the beggars by making them work during Summer?¹⁷

Again, if A's box of goods is delivered by mistake to B's store and B opens it and sells the goods, what steps should he take? Is this a civil or a criminal

¹⁴ For the multifarious duties of the assistant gold commissioners see Margaret A. Ormsby, *British Columbia: A History* (Toronto, 1958), p. 180. On 1 October 1859 Gaggin wrote from Yale that he had been "appointed by His Excellency the Governor Justice of the Peace at Port Douglas." Douglas was himself in Yale on 1 October and gave Gaggin a letter to C. S. Nicol, whom he was replacing, authorizing him to act as J.P. (see Gaggin to Colonial Secretary, 7 November 1869). His official commission as J.P. was not forwarded until 19 November 1859. He was appointed County Court Judge on 10 January 1860 and deputy collector of customs on 6 November 1860. On 19 March 1860 he was made responsible for the postal service at Port Douglas.

¹⁵ Minute by J.D. on Gaggin to Colonial Secretary, 28 January 1862; and cf. minutes of Gaggin to Colonial Secretary 3 April and 30 November 1861.

¹⁶ *Victoria Colonist*, 3 and 15 August 1860.

¹⁷ Gaggin to Crease, 28 April 1863. Crease Correspondence inward, Crease Collection, PABC.

action, he asks Crease, and concludes: “. . . excuse my troubling you like a good man. D--n the Law I'll never set the Fraser on fire through it.”¹⁸

If Gaggin had confined himself to seeking private advice from his friends among “the Bloaks”¹⁹ at government headquarters in New Westminster, his public image might not have suffered. But being, as he said himself, “a stupid hound naturally,”²⁰ he was apt to refer to higher officials, even to the Governor himself, local problems he should have settled on the spot. When the tenants of a government log house in Port Douglas refused to pay their rent, he asked the Colonial Secretary what he should do.²¹ When the owner of a sawmill applied for adjoining timber land, Gaggin again enquired of the Colonial Secretary whether granting the land would “meet with His Excellency’s approval: or if his application is granted, will it entitle him to the land as well as to the timber?” The Governor himself endorsed this letter: “Mr. Gaggin’s meaning in this application is not clear. Let him have a copy of the Pre-emption Act.”²² When charges were made against the constable at Port Douglas, Gaggin referred them to Chief Constable Chartres Brew, who commented: “I do not see any reason why Mr. Gaggin should not hold this enquiry himself.”²³

The most flagrant and far-reaching instance, however, of Gaggin’s unwillingness to act on his own responsibility occurred in June 1862, when he roused the wrath of Governor Douglas himself and, it would seem, irretrievably damaged his own career in the public service. On 25 June 1862 he reported to the Colonial Secretary that a party of miners returning from the Cariboo had boarded the steamer *Henrietta* for the trip down to New Westminster and refused to leave, saying they had no money for the fare. It was impossible to put them off by force, since they far outnumbered the entire population of Port Douglas. He therefore advised the captain to proceed to New Westminster and lodge a complaint there. On 27 June the *Victoria Evening Express* got hold of the story, which lost nothing in the telling, and on 30 July the Colonial Secretary replied to Gaggin: “His Excellency extremely regrets the occurrence of so lawless a proceeding and is unable to discover from your report that any efforts were made by you to maintain order, and to afford the protection of the

¹⁸ Gaggin to Crease, 16 April 1863. *Ibid.*

¹⁹ Gaggin to Crease, 1 December 1862. *Ibid.*

²⁰ Gaggin to Crease, 24 April 1863. *Ibid.*

²¹ 26 January 1861.

²² 20 February 1860.

²³ Brew to Colonial Secretary, 31 December 1862. C. Brew Correspondence, Colonial Correspondence, PABC.

Law to the Master of the Boat.” The delinquent magistrate was then told precisely what he ought to have done:

An officer should have been sent on board with orders to take any person into custody charged by the Master . . . and if registered the officer should have accompanied the boat to New Westminster, and executed the Warrant there, through the aid, if requisite, of a military force. Or else, if the Master . . . agreed to delay his departure for a few days, a special messenger might have been despatched to New Westminster for assistance to carry out the Law, which must in all cases be enforced, in whatever circumstances you may find yourself placed.

Finally Gaggin was asked what steps he *had* taken “to maintain the authority of the Law to meet the ends of Justice.” He replied on 2 July:

I was ill at the time and could not leave my house to visit the boat myself, but if I had not been, perhaps I would not have done so, for above all things it seemed to me that to attempt coercion with a force unable to command it would have weakened the apparent Power of the Law, and the men were broken men too, who might have been driven to some act of violence, also that the getting of these men out of Douglas was in every way desirable, the wretched creatures means being already almost exhausted, any attempt to arrest would have provoked a riot, perhaps bloodshed.

If the letter had ended there, the Governor might perhaps have accepted this explanation. But with a singular want of tact in dealing with an ex-HBC officer with James Douglas’ reputation for tolerating no interference — and surely even a newcomer would have been aware of this — Gaggin went on:

Magistrates in these up-country towns have a delicate game to play, and I believe we are all of opinion that to avoid provoking resistance to the Law is the manner in which we best serve the interests of His Excellency the Governor . . . as it is the matter passed off without riot and without defiance of the Magistrate; though the Master of the steamer (whose decision to refuse \$130 — was not commendable) was somewhat annoyed — I shall be very sorry if the cautious way I acted, with such quiet results, does not meet His Excellency’s approval, but I acted for the best.

By the time this letter reached the Governor the sequel to Gaggin’s action — or rather non-action — had been published in the *Colonist* of 7 July 1862. Captain Charles Millard of the steamer *Hope*, who also owned the *Henrietta*, declared that the accounts in the *Express* of 27 and 30 June were “based principally on falsehood” and gave the editor “the facts”:

The *Henrietta* was at Port Douglas about the 25th of June, and a large number of miners went on board and actually took temporary possession of her, refusing to pay their passage down or go as help. Henry Davis, who was commanding her at the time, finding he could do nothing with the passengers, concluded to go on down to New Westminster, (having previously been to the Justice of the Peace at Port Douglas to find out his true position,) expecting to meet the *Hope* coming up. The *Henrietta*, on the approach of the *Hope*, . . . came alongside. On finding the steps the miners had taken, I concluded to learn them a lesson. I collected full fare from about 80 passengers, the balance I took back on the *Hope* to Douglas. I am ready to swear neither knives nor pistols were used, and I did not consider there was any cause to fear. . . . When I am afraid to collect the fare from my passengers I will sell out and leave the country. . . . If men travel with me they must pay, or give a good reason for not doing so.

Captain Millard was supported by another letter signed "Veritas," which draws the contrast between "Capt. Davis (a timid sort of man)" and Captain Millard, who

on hearing the facts of the case, immediately went around and collected the fare of \$5 each from the 80 or 90 men who, a few minutes before, were chuckling at the idea of having frightened the "d--d old Dutchman" (the captain of the *Henrietta*) into giving them a free passage. It was rather amusing to see the very men who were "broke" not five minutes before, coming down with their fares at the demand of Captain M.

The Colonial Secretary's reply to Gaggin's defence of 2 July was not written until 15 July 1862. It was a blistering reprimand:

I am directed by the Governor to acquaint you that he considers your conduct . . . to have been highly improper, seeing that it displays a want of nerve and judgment on your part. . . . It would appear from your report that you consider yourself vested with discretionary power to temporize with your duties, and that you are unaware that, while rigidly dispensing the laws for the protection of life and property, a Magistrate may act with perfect temper and discretion. . . .

The following year Gaggin was rapped on the knuckles again. He had requested the appointment of a constable at Pemberton, which he declared to be "from my knowledge . . . one of the most depraved, rowdy, and bla'guard places in the Colony."²⁴ The Governor refused the request, ostensibly because of "the expense attendant," but seized the occasion to admonish Gaggin that

²⁴ Gaggin to Colonial Secretary, 19 August 1863.

the Magistrate is to endeavour by all means in his power — by his advice to the better disposed — by the weight of his influence and example among the evil doers — to remedy the state of things. Much in such a case can be done by a Magistrate, who by the exercise of firmness, moderation, judgment & the force of good example has earned for himself the respect of his district.

The emphasis here on “the force of good example” invites speculation that by this time rumours of some of Gaggin’s less desirable social habits had reached the Governor, and the Governor was not amused.

It will be observed that in his reply to Gaggin’s defence in the *Henrietta* affair the Governor completely ignored the excuse that he “was ill at the time.”²⁵ Indeed, this particular excuse for failure in duty was hardly likely to get much sympathy from James Douglas, himself endowed with a rugged constitution and an iron will. In Gaggin’s correspondence illness is a recurring theme, for Port Douglas did not agree with him. In the rush to begin construction of the trail to the mines in 1858, the site of the settlement had been hastily chosen on Little Harrison Lake. Four years later Dr. Cheadle called it “a vile hole in a hollow formed by continuation of lake basin up to hill beyond lake.”²⁶ The house provided for the magistrate was far from comfortable. It had no “waterproof office”²⁷ and it was very cold, for the upper storey had no ceiling and the chimney was a fire hazard.²⁸ By the summer of 1861 these defects had been remedied. Gaggin had also had all the trees endangering his dwellings cut down by prisoners and was now permitted to “render this at present insecure building more safe from storms” by adding a verandah on two sides.²⁹ During the next two years he spent out of his own pocket “a very large amount of money on improvements about this house [and] made it one of the best-looking pieces of ground attached to any Magistrate’s house in the Colony.”³⁰

But despite these improvements to his quarters, Gaggin often reported himself unwell. In December 1860 the Treasury, at his “earnest request,” sent someone from New Westminster to collect and make up his accounts, which were in arrears, he said, because of his “indisposition through sick-

²⁵ Reply, 26 August 1863, written on the application form.

²⁶ Walter B. Cheadle, *Cheadle’s Journal of Trip across Canada 1862-1863*, ed. A. G. Doughty and Gustave Lanctot (Ottawa, 1931). Entry for 2 October 1863.

²⁷ Gaggin to Colonial Secretary, 30 November 1859.

²⁸ Gaggin to Colonial Secretary, 7 and 30 November 1859; Colonial Secretary to Gaggin, 19 November 1859.

²⁹ Colonial Secretary to Gaggin, 16 January 1861; Gaggin to Colonial Secretary, 20 June 1861; and Colonial Secretary to Gaggin, 2 July 1861.

³⁰ Gaggin to H. M. Ball, Acting Colonial Secretary, 30 November 1865.

ness.” This time the necessary expense was allowed, for Dr. Charles Forbes (who had been sent by the Governor in August 1860 to examine mineral deposits in the vicinity of Harrison Lake and River) had reported to His Excellency that Gaggin “had been suffering from ill health.” But in future

all such expenses must be charged against your salary, as it appears to His Excellency in the absence of any report from yourself as to your sickness, that although your accounts may have become overdue through that cause, still they must have fallen into arrears and confusion previously, or the necessity for a gentleman from the Treasury to complete them would not have existed.³¹

In 1862 Gaggin wrote from Yale that he had been suffering from “something like low fever” for some time past. Since there was no doctor at Port Douglas to advise him, he had “taken the liberty of absenting” himself from his headquarters for a few days, trusting that “the small tour I am making will set me right.”³² In June 1863, acting on the advice of Dr. John T. D. Sylvester, now residing at Port Douglas, Gaggin went to the hot springs at the 20-mile House on the road to Pemberton,³³ for (as he told Crease privately) he had been “suffering dreadfully from rheumatism.”³⁴ Later that year he wrote to Colonel R. C. Moody, Chief Commissioner of Lands and Works, that having gone to see the Colonel in New Westminster on business connected with the Harrison-Lillooet road, he had not submitted a written report but had left a verbal one with Captain H. R. Luard, because, he said, “I was suffering so much from rheumatism that I could not apply myself for a minute to write.”³⁵

In February 1863 Governor Douglas sent to the Secretary of State for the Colonies a confidential report on his officers.³⁶ He made no mention there of Gaggin’s absences from duty because of illness. Indeed he remarked: “Health and constitution appear to be good.” But he then damned his subordinate most effectively with the comment: “Zealous and well disposed, but deficient in judgment.” Clearly, Douglas had not forgotten the *Henrietta* affair.

In that incident, as in other dealings with his fellow men, Gaggin had

³¹ 7 January 1861.

³² 5 July 1862.

³³ Gaggin to Colonial Secretary, 3 June 1863. According to Dr. Cheadle (journal entry for 3 October 1863) Dr. Sylvester was “a handsome young fellow with slightly grey hair and shaky hand.”

³⁴ Gaggin to Crease, 6 June 1863.

³⁵ Gaggin to Colonel Moody, 23 September 1863.

³⁶ See above, footnote #8.

demonstrated that he was too kind and generous for his own good. Full of sympathy for those who appeared to him “wretched creatures” returning penniless from the mines, he had neglected what the Governor saw as his first duty: to enforce the law. Indians as well as white men were encompassed by his compassion, and here again his warm-heartedness stood in the way of his own advancement in the public service. In the winter of 1861 he reported to the Colonial Secretary that the Indians at Port Douglas, because they could not get employment as packers, were “actually starving,” and asked for funds to relieve them.³⁷ The Governor’s minute on the letter reads: “Mr. Gaggin’s application has no precedent — in this colony — and if granted might for a temporary good, give rise to permanent evils, by encouraging improvidence, and encouraging a belief that Government had the means of providing for every case of distress — which should be relieved by the hand of private charity.” Obviously, Douglas wanted no part of the welfare state. In justice it must be said that his own charity was considerable, as his private account books show, and that in this particular instance he did authorize the sending of \$100 for the “relieving of real objects of distress” among the Port Douglas Indians. In acknowledging this sum, Gaggin assured the Colonial Secretary that many *had* been relieved by private charity, and that the “severe lesson” of this winter would teach the natives to attend more closely to fishing instead of relying too much on packing. Upon which Douglas authorized another \$100 “if it is absolutely necessary for the preservation of life,” and if the sum previously granted had been spent.³⁸ It is clear, however, that in this instance too, as well as in the *Henrietta* affair, Gaggin’s generosity of spirit had run counter to the system, and that he had, at least by implication, criticized the Governor’s policy.

But however much one may applaud Gaggin’s humanity to man, both Indian and white, it must be admitted that his expansive good nature, besides creating a certain distrust of his judgment in the mind of Governor Douglas, sometimes led to social behaviour of a style quite likely to interfere with the performance of his official duties. His friend Crease once admonished him: “Try and keep out of good companye, you old ‘father of the fatherless’ as we all [christen] you.”³⁹ In the autumn of 1863 Lord Milton and Dr. Cheadle arrived at Port Douglas on their way to Lillooet

³⁷ Gaggin to Colonial Secretary, 11 January 1861.

³⁸ Gaggin to Colonial Secretary, 4 February 1861; Colonial Secretary to Gaggin, 19 February 1861.

³⁹ Crease to Gaggin, 24 October 1864. H. P. P. Crease, *Private Miscellaneous Letters, 1864-1865*, Crease Collection, PABC.

and found that the stage was not due to leave for another two days. Cheadle's journal then gives a vivid little sketch of the warm-hearted, convivial, and somewhat irresponsible Gaggin in action:

Saturday, October 3rd. — . . . Walk up to inquire of Mr. Gaggin the Judge if there are any other means of getting forward. Regular jolly Irishman from Cork; kindly promises to lend Milton a horse if I can find another. Agree to start on horseback tomorrow. . . .

Sunday, October 4th. — After sundry beers & procrastinations we set out, Gaggin having found a mule for me for which I had to pay \$10 for the 29 miles. The Judge accompanied us on a grey horse which had been left behind by a Mr. Flinn gone down to Victoria. "The Judge" turned out a "whale for drink," & we pulled up at every wayside house to refresh . . . we trotted on to the 16-mile house . . . & finding it late, we resolved to stay the night & ride forward in time for the steamer in the morning. Gaggin & I had two jugs of mulled claret which made us sleep like tops.

Monday, October 5th. — Off at 7 to catch the steamer at 12. . . . My mule "Yank" falling lame, I rode on, leaving Milton & Gaggin at the 24-mile house refreshing. Arrived at foot of the little lake (29-mile house) an hour before the steamer started, dined & waited in vain for Milton & Gaggin; the steamer at last starting & leaving us in the lurch. . . . Presently stage came in from Douglas, bringing only one passenger, Mr. Flinn whose horse Gaggin had impressed to ride along with us. . . . About 4 o'clock Milton & "The Judge" arrived, the latter having met some friends at the last house & gone through ½ doz. of stout! . . . Gaggin & the landlady (an Irishwoman) had chaff all the evening. . . .

Tuesday, October 6th. — . . . Over Little Lillooet Lake in tiny steamer . . . & then in fine steamer "Prince of Wales" over Great Lillooet Lake to Pemberton. . . . Gaggin accompanied us. Continual liquorings up, which Milton & I shirked as well as we could. . . .

Wednesday, October 7th. — Bid a kind adieu to Gaggin. . . .

It is clear from this little episode that besides being a "whale for drink," Gaggin needed little inducement to absent himself from his headquarters. From 1860 on, there are frequent references in the Colonial Secretary's letters to this fact, and in August 1863 Gaggin had been plainly told that "His Excellency would prefer your remaining in Douglas as much as is compatible with the requirements of the public service," and, furthermore, that he must make formal application for any leave of absence before taking it.⁴⁰ Undoubtedly Gaggin's superiors realized by this time

⁴⁰ See, for example, Colonial Secretary to Gaggin, 30 April and 22 May 1860; 31 August 1863.

that he would use any pretext to get away from Port Douglas for even a brief respite and had chosen this method of trying to curtail his travels. And yet perhaps Gaggin can hardly be blamed too severely for feeling somewhat aggrieved by this blanket decree. After all, he was responsible for keeping open the trail to Pemberton so that thousands of men and their supplies could reach the gold mines on the upper Fraser. Hastily surveyed and constructed in 1858 through difficult terrain, the trail was extremely vulnerable to slides and washouts, and Gaggin must have repairs made as quickly as possible and in a satisfactory manner. It is rather difficult to see how he could be expected to carry out this duty if he must wait to receive formal permission before leaving his headquarters — especially considering the state of postal communication at the time, when a letter from Victoria might take nearly four weeks to reach Port Douglas, and a letter from Lillooet to Port Douglas had to be sent via New Westminster.⁴¹ In his own defence Gaggin pointed out that

at no time this season did my absence on duty exceed a week. I have the entire charge of fifty-six miles of road, which extends over a distance of eighty miles from Douglas. . . . My absence was on duties connected with my office of Assistant Commissioner of Lands, and that, unless I thought it absolutely necessary I would not have gone during the worst time of the mosquitos, besides being considerably out of pocket, having to pay from 8 to 12 shillings a day for feed for my horse.⁴²

But the rock on which Gaggin's civil service career finally foundered was his inability to cope with the paper work required, especially in the matter of accounts. His reports were late, incomplete in detail, and not always sent in duplicate. Some letters he never answered; sometimes he failed to keep copies of his own; and he made payments without proper authority. As the Colonial Secretary complained on 27 August 1863: "... great inconvenience is occasioned in this Department, and the transaction of business is greatly impeded, through the neglect of officers, of the simple rules laid down for their guidance. . . ." Gaggin was admonished that he must "take care that established forms are, for the future, complied with."

As for the accounts themselves, Gaggin had begun somewhat inauspiciously in 1859: he had forwarded to the Colonial Secretary for payment the accounts contracted for the improvement of Government House,

⁴¹ Nind to Colonial Secretary, 12 December 1863. P. H. Nind Correspondence, Colonial Correspondence, PABC.

⁴² Gaggin to Colonial Secretary, 4 September 1863.

instead of settling them himself and forwarding his records. However, he apologized for his error, and he obviously meant well.⁴³ Hence for a time his subsequent mistakes were dealt with on an unofficial basis. The Colonial Treasurer, Capt. W. Driscoll Gosset, wrote in 1861: "The other cases were very likely communicated by private notes, I having, for the cultivation of good feeling with Mr. G., permitted Mr. Ker of my office as Mr. G.'s friend, to write the rather numerous remarks in a semi-private manner. Mr. Gaggin is I believe not very ready at accounts. . . ."⁴⁴ Finally, however, even Robert Ker was unable to save Gaggin from himself.

In November 1863 the Gold Escort passed through Port Douglas on its way to New Westminster, and Gaggin failed to send down with it the money collected in his District, as he had been instructed to do. He explained informally to the Treasurer that he had not expected the Escort to arrive for several days yet, and that when he got his books in "satisfactory balance" he would send a large sum to the Treasury. What Gaggin was later to call that "unlucky expression" of "satisfactory balance" was apparently the last straw as far as the Governor was concerned.⁴⁵ On 2 December Gaggin was stunned by the arrival of Philip H. Nind, the magistrate at Alexandria, bearing a special commission from Governor Douglas and a letter to Gaggin suspending him from office pending an investigation of both his general conduct and his accounts. The Colonial Secretary wrote:

His Excellency views the state of things thus discovered as so serious as to demand instant measures, not only to check a laxity of duty most reprehensible, but also to ascertain how it is possible that a public officer can be faithful to his trust, and, at the same time, be unable to remit the public funds in his possession until he prepares a "*satisfactory balance*" of his Books.⁴⁶

After ten days of investigation Nind submitted his report to the Governor.⁴⁷ It completely exonerated Gaggin of any charge of tampering with public funds: ". . . the accounts and the cash in the chest tally within a few shillings — a difference that may easily arise in receiving and paying gold dust." As for the delay in sending down the money, Gaggin had

⁴³ 19 January 1860.

⁴⁴ Minute, 25 January 1861, on Gaggin to Colonial Secretary, 9 January 1861.

⁴⁵ Gaggin to Colonial Secretary, 6 January 1864.

⁴⁶ 23 November 1863.

⁴⁷ On 12 December 1864, P. H. Nind Correspondence, Colonial Correspondence, PABC.

already explained, on 4 December, that he had previously been given strict instructions by the Treasury to forward the cash and the accounts together, and that he had not been able to make up the accounts before the Gold Escort departed, because his Lands and Works book had not yet been sent back to him from the Lands and Works Office at New Westminster. This explanation was confirmed in Nind's report. Neither had Nind been able to discover that Gaggin had been guilty of any dereliction of duty as a magistrate:

He is strict in suppressing gambling, open prostitution and drunkenness — he never allows steamboats to break cargo on Sundays — and if the fixed population of Douglas is small, it is quiet and orderly and the floating population is compelled to keep within bounds —

In his travels in the outlying parts of the District Nind had heard no complaints, and he noticed nothing that calls for interference:

On the contrary Mr. Gaggin is much liked and the townspeople at the news of his suspension were anxious to get up a petition to His Excellency in his favour but meeting with opposition from him have not carried out their intentions.

Nind then pointed out — perhaps rather unwisely — that

Mr. Gaggin's duties have not been light during the past season — for besides acting as a Magistrate and County Court Judge and making up his accounts for the Lands and Works Office and the Treasury he has been constantly occupied in riding backwards and forwards over the two portages inspecting and superintending alterations and repairs that have been made on the roads.

In his final paragraph Nind wrote:

I trust that His Excellency will rest assured that the complexion of affairs in the District of Douglas is not such as to warrant a feeling of uneasiness much less of alarm and will deem it expedient to relieve an honourable gentleman from the grievous imputation that is now affixed to his name all over the country.

This complete vindication of Gaggin and, by implication, this criticism of His Excellency's judgment in suspending him, called forth a sharp reproof to Nind, and certainly did Gaggin's cause no good. The Colonial Secretary wrote on 29 December 1863:

In reply to the last paragraph of your letter, whereby you characterize the proceedings His Excellency has thought fit to adopt, in consequence of Mr. Gaggin's negligence and irregularities, as casting a grievous imputation upon

that gentleman's name, I am to observe to you that His Excellency trusts that such remarks escaped you in a moment of haste, and without due reflection.

Not only did Douglas refuse to lift the suspension; he now, in a minute on the Colonial Secretary's letter to Nind, made a further charge: that some £4,000 (a figure later reduced to £3,000) had been expended by Gaggin on the roads without proper authority.

Gaggin was of course well aware that Nind's report had cleared him of the original charge; and when he received no reply to his own letter of explanation of 2 December, he wrote again, on 6 January 1864, protesting in the strongest possible terms against his continued suspension. He claimed that he should at least have the same rights as a suspected felon who, if acquitted in court, "at once leaves the court free in person and uninjured in reputation." His case, he maintains, is analogous:

I have been arraigned on a very grave charge, a charge hateful to any man of common honesty, but particularly so to one who calls himself a gentleman and man of honor, & whose conduct for four years in a position of high trust has never been impeached.

Without warning and most unexpectedly I was called on to surrender my accounts and the key of the public safe, to give place to another in my magisterial capacity, and to appear before the public of this district in a new and humiliating position. My name is bandied about from mouth to mouth as of one who is suspected of defalcations or malversation of public money, to be coupled with the Gordons and D'Ewes whose corrupt conduct whilst in the Civil service have been notorious.⁴⁸ My trial took place before an Officer, holding a special Commission from His Excellency, for that purpose and a verdict was given in my favor . . . but with a verdict of acquittal I am not allowed to resume my former position, the blot on my reputation remains unremoved. . . .

. . . I am compelled to demand respectfully but firmly that I may be informed upon what grounds I am still suspended from the duties of my office. I ask this as a right — respectfully as a subordinate one of higher rank, but firmly as one who has a good name at stake. . . .

But it was not until 27 January 1864 that the Colonial Secretary informed Gaggin directly of the further charge of unauthorized expenditure on the roads now brought against him by the Governor. Whether because of postal delays or not, it was not until 27 February that Gaggin answered this charge. He stated that he had the authority of the Chief Commissioner of Lands and Works, and that the accounts had been passed by the

⁴⁸ George Tomline Gordon served as Treasurer of Vancouver Island from 1860 to 24 December 1861, when he was arrested on a charge of embezzling public funds. He was brought to trial, but escaped to Washington Territory. John D'Ewes was postmaster in Victoria from 1859 to September 1861, when he absconded with the funds.

Auditor-General. And indeed this second charge, as Gaggin later asserted, "the Governor should have known was unfounded."⁴⁹

On receipt of Gaggin's explanation of 27 February, the Governor finally lifted the suspension, on 3 March 1864. But he attached a rider:

... although after a careful consideration of the entire case, His Excellency cannot acquit you, in all cases, of want of attention to the instructions you received, yet he is gratified to find that, so far as the integrity of your accounts is concerned, all matters of doubt have been removed. . . . His Excellency considers it will be to the interest of the public service to change the scene of your official duties. . . .

Douglas therefore ordered Gaggin temporarily to Lillooet, where he was to relieve A. C. Elliott during a six weeks' leave of absence. An unwilling Nind⁵⁰ was left in charge at Port Douglas.

Ironically enough, the man whom Gaggin temporarily replaced at Lillooet had himself been investigated in 1862 by Chief Gold Commissioner Chartres Brew — on somewhat similar charges, but with very different results. Elliott was not, it is true, accused of retaining public funds in his own possession, but he was accused, as Gaggin was, of dereliction of duty in the matter of his accounts. Brew's report, like Nind's, found "no wilful defalcation" in the accounts.⁵¹ He excused Elliott's "trifling errors [as] such as would happen to any person not conversant with the duties of a clerk or accustomed to keeping books." Elliott had failed to send in the return required because "he was in such a fever about his accounts he could not do anything." Brew's report concludes:

... neglectful as Mr. Elliott has been of his accounts, returns, and communications, I have good reason to know that he has performed his judicial functions as Magistrate and County Court Judge with integrity and impartiality and to the complete satisfaction of the public, and I believe the withdrawal of his Commission would be much regretted and his removal from office felt as a loss to the public service.

Less than a month after this report was submitted to the Governor, Elliott was reinstated, as the *Colonist* put it, "without a stain upon his character."⁵² Gaggin also, as Nind had reported, had acted as a magistrate with

⁴⁹ Gaggin to the Duke of Newcastle, 12 March 1864.

⁵⁰ See Nind to Colonial Secretary, 16 February 1864; Nind Correspondence, Colonial Correspondence, PABC.

⁵¹ Brew to Colonial Secretary, 24 June 1862. C. Brew Correspondence, Colonial Correspondence, PABC.

⁵² *Victoria Colonist*, 16 July 1862.

integrity and impartiality and to the complete satisfaction of the public. Yet only after three months of public suspicion had he been reinstated, and even then he was transferred to another district with the implied slur still on his reputation.

Naturally, the pride of Magistrate J. Boles Gaggin was touched to the quick. As a member of the civil service he was well aware that he could not seek "legal redress or vindicate [his] character in the public press." He therefore appealed, on 12 March 1864, to the Secretary of State for the Colonies, asking the Duke of Newcastle to order his return to his former district and also to inform the Governor and the Legislative Council of British Columbia that the suspension did not meet with the approval of the Home Government. Gaggin outlined the "unjust treatment" he felt he had received: the Nind report had cleared him; why then was he not at once reinstated in office, or why was his case not brought before the legislative council? If the Governor had indeed a valid reason for suspending him, how was it that His Excellency with a mere stroke of the pen was able to lift the suspension without consulting the Colonial Office? "I might infer from this procedure," Gaggin added,

and also [from] that adopted towards Mr. Elliott, [that] it was never in the intention of this Government to report my case for adjudication —

For more than three months I have been thrust into a position the most disgraceful next to dismissal a public officer can occupy. A cloud of suspicion has gathered over me which no act of mine has engendered and which no conscious innocence can dissipate. If I wished hereafter to follow another path of life it might be urged against me that I had been suspended from my duties as a Public Officer on a suspicion of embezzlement, and that so tardy a restoration of my functions was owing to my innocence not being fully and satisfactorily established. Though the suspension is withdrawn I am removed from the District where I have resided for four years and a half, and where my late degradation has been so painful.

This appeal was submitted by Gaggin through the proper channels: through the Colonial Secretary to Governor Douglas for transmission to the Colonial Office in London. But Gaggin took the precaution of sending copies of all the documents in the case to his former commanding officer, Lord Bandon, asking him to place these papers in the hands of the Duke of Newcastle. For, he says, "many communications to the Home Government are reported to have gone astray, more particularly such as leant [*sic*] on the administration of the B.C. Government."⁵³ By the time Lord Bandon received the documents, Newcastle had been succeeded by Edward Cardwell. When Bandon called on him, he was out; however, the

⁵³ Gaggin to Lord Bandon, 14 March 1864, Gaggin Correspondence, MS, PABC.

papers were left "in the hands of an old friend, Sir Frederic Rogers," and Bandon assured Gaggin that he would do "the best I can to assist you."⁵⁴ Despite Gaggin's fears, the original documents reached the Colonial Office on 30 May 1864⁵⁵ with a covering letter from Governor Douglas explaining the course he had taken, and concluding thus:

Mr. Gaggin may, I can well understand, feel aggrieved at being suspended from his duties, but that feeling should be exercised against himself, and not against those, who, in the interests of the public service, were, owing to his own conduct, compelled to discharge an unpleasant duty in respect of him.

The minutes by the London officials on the documents make interesting reading. Arthur Blackwood wrote a comment several pages long on Douglas' despatch, and also found the Nind report "not alone exculpatory but laudatory." T. Frederic Elliott, Sir Frederic Rogers, Bart., and Chichester Fortescue himself agreed with Blackwood. They found Gaggin innocent of every charge brought against him, and were of the opinion that in refusing to lift the suspension at the earliest possible moment after receiving Nind's report, Governor Douglas had "been betrayed into an error of judgment." By this time, however, Douglas' term of office had expired, and the Colonial Office decided to refer the whole matter to his successor, Frederick Seymour. After some investigation, Governor Seymour gave it as his opinion that although Gaggin "has his faults as a public officer," he had been "treated without sufficient consideration for his character by Sir James Douglas":

... the charge of dishonesty broke down entirely, and it was only due to him to give the utmost publicity to that fact. Instead of this another accusation was immediately brought forward and Mr. Gaggin was removed from Douglas and left on my hands with a slight slur upon him, and a Salary, but no sphere of duties.⁵⁶

Seymour had already, on 14 June 1864, appointed Gaggin as magistrate at Quesnelmouth, "where his services appear to give satisfaction." The Governor now offered, "as the most public refutation I could give, to restore him to his former appointment at Douglas."

All Gaggin's friends in the civil service rejoiced in this public vindication. But Gaggin now took the wind out of everybody's sails by changing

⁵⁴ Bandon to Gaggin, 14 May 1864. *Ibid.*

⁵⁵ For the complete file of documents in this appeal see PRO microfilm, CO 60/18, p. 125, Cf. PABC.

⁵⁶ Seymour to the Secretary of State for the Colonies, 5 September 1864. PRO microfilm, CO 60/19, p. 129, PABC.

his mind. He was most grateful to Governor Seymour, he said, "for thus clearing my character in so public and kind a manner," and of course he was quite willing to serve wherever His Excellency might order, but he "would much prefer remaining here,"⁵⁷ at Quesnelmouth — for, as he wrote privately to Brew, he had "got all right from rheumatics" as soon as he went from Port Douglas to Lillooet.⁵⁸ So Nind was now obliged to reconcile himself to remaining in charge at Port Douglas — "this detestable place," as he calls it.⁵⁹

Then as now, transfers in the civil service caused domestic complications. The Ninds had been living in Gaggin's house, as they thought, on a purely temporary basis: "I always anticipated," Nind wrote, "you would have the offer of returning wh[ich] I thought you would accept." Now, some arrangements would have to be made about Gaggin's household effects:

... the smaller things such as crockery wh[ich] is just as you left it (expecting a few breakages effected during the Nunn's⁶⁰ occupation of the house in June) ... shall be packed & sent up to you when you require them, but your beds, tables, fruit trees &c — in any populous place it wd have been better for you to sell them by auction but I am afraid you couldn't do it here — if you think it fair I will make you an offer of \$100.00 for the lot.

In this same letter of 26 November 1864 Nind gave Gaggin the "unpleasant news" that a recent audit of the Port Douglas accounts had revealed a deficit of £211.14.5, which he had had to make good, raising the money on his own promissory note. Governor Seymour had taken no official notice, but Nind had been "told privately that although there was no suspicion of my having appropriated the money yet that the simple fact of being wrong in your accounts no matter whence the error arises is damaging to a member of the civil service." Worse still, from Gaggin's point of view, Nind's own subsequent attempts to trace the deficit in the back accounts of the district had shown that Gaggin, before he was transferred to Lillooet, had been responsible for £81.5.6 of the amount. But Gaggin was indeed fortunate in his friends. The loyal Nind continued:

Yet it is satisfactory for me to know that nothing is officially reported against you and that the matter need never go any further than it has — it would be

⁵⁷ Gaggin to Colonial Secretary, 4 October 1864.

⁵⁸ 16 April 1864.

⁵⁹ Nind to Gaggin, 26 November 1864. Nind Correspondence, Colonial Correspondence, PABC.

⁶⁰ G. S. Nunn, the constable at Port Douglas.

too bad to rake up the old suspension again after your glorious defeat of Governor Douglas . . . if the Governor's opinion of you were shaken now it would be a great pity but I do not think that your name need ever come before him, as I have made up the deficiency.

Gaggin was left at Quesnelmouth until the following spring. On 8 April 1865 he was instructed to return to Port Douglas,⁶¹ where he arrived on 20 May.⁶² In the light of past events it is not without significance that his successor at Quesnelmouth, Henry Maynard Ball, confided to his diary on 29 May 1865⁶³ that he had found "the accounts in great confusion, not closed since last October. Cannot understand it at all at all." Gaggin's duties at Port Douglas were now less onerous than they had been during his previous tenure of office, for by this time the Cariboo road through the Fraser canyon had taken the place of the old Harrison-Lillooet trail and the settlement itself had declined. This was just as well. Gaggin was soon reporting that he had been "very unwell" ever since his return, and requesting leave to seek medical advice in New Westminster.⁶⁴ He seems to have been often unable to attend to his duties, and his letter of 17 September 1865 to the Colonial Secretary is signed by the constable at Douglas, who was directed to add that Mr. Gaggin was "considerably better today and trusts he will in a few days be able to get about again." A minute, reading "An interesting fact!", was added by Arthur N. Birch, the officer administering the government during Seymour's absence for his marriage in England — a superior officer obviously less sympathetic to Gaggin than Governor Seymour, that "very nice man," as Gaggin had called him.⁶⁵

Throughout 1865 economic conditions on the mainland grew worse and worse, and in January 1866 the magistracy at Port Douglas was abolished.⁶⁶ The officials at New Westminster were in a quandary. What was to be done with Gaggin now? In view of his recent public vindication he could hardly be dismissed; yet he created administrative problems wherever he served. Birch suggested that it might "be advisable to let Mr. Gaggin visit Lillooet as he has nothing to do." To this H. M. Ball, now Acting Colonial Secretary, replied: "My opinion is certainly not. He

⁶¹ Gaggin to the Governor, 25 April 1865.

⁶² Gaggin to Colonial Secretary, 20 May 1865.

⁶³ MS, PABC.

⁶⁴ Gaggin to Colonial Secretary, 22 June 1865.

⁶⁵ Gaggin to Robert Ker, private, 2 August 1864.

⁶⁶ Colonial Secretary to Gaggin, 23 January 1866.

will confuse Mr. Elliott's acts and be making claims for extra travelling all[owan]ces as formerly." Finally it was decided that Gaggin should come down to New Westminster and place himself under the direct supervision of Peter O'Reilly, now in charge of the entire Columbia and Kootenay District, where gold had been discovered at the Big Bend of the Columbia and at Wild Horse Creek. "I fear," wrote Ball gloomily, "he will require many instructions before he can well undertake the duties of a new gold field."⁶⁷ But no one could suggest a better solution, and so on 27 March 1866 O'Reilly was warned that "Mr. Gaggin has been appointed to take charge of the Kootenay portion of your district."⁶⁸ Gaggin was ordered to proceed to Wild Horse Creek by way of the Big Bend mines and Fort Shepherd, and on 30 April 1866 the *Yale B.C. Tribune* reported him in Seymour, the newly established town on Shuswap Lake, "actively engaged in issuing mining licences and recording claims." He arrived at Wild Horse Creek by way of Colville on 8 June 1866, and was reproved for not having got there sooner — the journey ought not to have taken more than three weeks, and others had done it in less.⁶⁹ Gaggin replied that the New Westminster officials did not understand "the difficulty of getting over certain parts of the trail during the time of high water," and that he had consulted Mr. O'Reilly regarding the change of route.⁷⁰ But he did not take the reproof too much to heart, and soon afterwards wrote to a friend: "I like this Camp very much, first rate fishing and shooting and best of all the place agrees with me. I am in first rate health."⁷¹

Gaggin had been appointed "to undertake the duties of Assistant Gold Commissioner, Assistant Collector of Customs, and Stipendiary Magistrate, furnishing [O'Reilly] with monthly reports of all transactions connected with the mines."⁷² He was also to "act as Sub-accountant and render his accounts direct to the Treasury." But apparently Gaggin's superior officers were now afraid to give him much scope. It was O'Reilly

⁶⁷ See the minutes on Gaggin to Colonial Secretary, 10 February 1866. It may be noted also that O'Reilly's diary, 10 July 1864, says that Gaggin is "just as queer a fellow as ever," and on 8 November 1864 that he arrived at Quesnelmouth at 4 p.m. and "found Gaggin in bed." Charles Good's minute on Gaggin to Colonial Secretary, 21 September 1865, is: "This is a further proof of the aberration of Mr. Gaggin's intellect."

⁶⁸ Colonial Secretary to O'Reilly, 27 March 1866.

⁶⁹ Colonial Secretary to Gaggin, 16 May and 12 October 1866.

⁷⁰ Gaggin to Colonial Secretary 9 August and 23 November 1866.

⁷¹ Gaggin to (Hannan?), 9 August 1866.

⁷² Colonial Secretary to O'Reilly, 4 April 1866.

who visited Wild Horse Creek in order to settle mining disputes, arrange mail contracts, and even order repairs to Government House.⁷³ In the summer of 1866 O'Reilly's diary records that he "found Gaggin looking remarkably well & as kind as ever," though he clearly did "not approve of taking much exercise" and when the two went shooting together Gaggin "could not hit anything." After a later visit in September O'Reilly wrote from Seymour to John Connell, one of "the Bloaks" who had arrived with him and Gaggin in 1859: "Gaggin is as jolly as can be, & so fat you would hardly know him, 'entre nous,' he has knocked off the drink in *toto*, excepting *Larger beer*. He likes Kootenay very much."⁷⁴

In November 1866 the mainland colony of British Columbia was united with the colony of Vancouver Island, and the perennial problem of Gaggin was solved. In the necessary reduction of the civil list his sinecure at Wild Horse Creek could with justification be abolished, and on 16 December 1866 he was dismissed, with practically no hope of further employment in the public service. Birch wrote to him that if he wished to return to England, he would be given a free passage and three months' salary. If he preferred to remain in British Columbia, his claims for further employment would be considered "when the occasion offered."

Gaggin stayed on at Wild Horse Creek, but not for long. The "first rate health" of which he had boasted soon after his arrival rapidly declined; and he had been confined to his bed for some time before, on 27 May 1867, he died.⁷⁵ On that same day, Constable John R. Lawson of Kootenay was shot to death by a horse thief. O'Reilly's successor in the Columbia District, W. G. Cox, was ordered at once to Wild Horse Creek, and on his arrival reported that it was thought Gaggin's death had been brought on by "the shock which he sustained on hearing of Lawson's death."⁷⁶ Magistrate and constable were buried side by side in the cemetery at Wild Horse Creek, and O'Reilly, when he visited the "grave of poor Gaggin & Lawson" later that summer, had "a wall built round it up to the fence."⁷⁷ The grave can no longer be identified. In 1953 a group of volunteer citizens undertook to restore the old burial ground at White Horse Creek. They found only one wooden marker remaining in the whole cemetery,

⁷³ O'Reilly to Colonial Secretary, 18 and 24 August 1866, O'Reilly Correspondence, Colonial Correspondence, PABC; O'Reilly diary, 26 July - 11 August 1866.

⁷⁴ 13 September 1866, O'Reilly Correspondence, Colonial Correspondence, PABC.

⁷⁵ W. G. Cox to Colonial Secretary, 27 June 1867. W. G. Cox Correspondence, Colonial Correspondence, PABC; Barkerville *Cariboo Sentinel*, 28 July 1867.

⁷⁶ W. G. Cox to Colonial Secretary, 27 June 1867.

⁷⁷ O'Reilly, diary, 7 August 1867.

and the inscription on that could not be deciphered.⁷⁸ The obituary of J. Boles Gaggin in the *Victoria Colonist*, 4 July 1867, spoke of him as “a favourite with all classes on the mainland.” To his friends in the civil service of British Columbia — Ker, Nind, O’Reilly, Arthur Bushby (who visited his grave in 1874 and remarked that he was only thirty-six when he died) — he would always be “Poor Gaggin.”

⁷⁸ W. A. Burton, “Old Burying Ground Link with Days of ’64,” *Cranbrook Courier*, 4 December 1942; *Cranbrook Courier*, 30 June 1965.