

I ordered the vessels to be immediately released from custody, and persuaded the sufferers to overlook the proceedings, which had evidently arisen from ignorance of the law, and not from malicious motives on the part of the magistrate.

In the month of September 1853, a case was tried here before the Justices' Court, which attracted much attention in this country.

It was commenced at the suit of the before-mentioned Webster, against the Muirs, an industrious family holding several hundred acres of land at Soke, and was decided in a very hasty manner against the defendants, who were condemned to pay damages to the amount of 2,213 dollars, besides the costs of suit.

The manifest injustice of that sentence, to which I soon afterwards called the attention of the Council, see Extract of Minutes of Council, 20th September 1853, transmitted with my Despatch, No. 2, of the 7th January 1854, deeply impressed upon my mind the necessity of limiting the jurisdiction of the Justices' Court to matters strictly within their province and legal experience, and of making a better provision for the administration of justice by establishing a higher court, where cases of importance might be carefully heard and investigated, proper records kept, and justice as much as possible be done to all parties.

In the meantime, until that measure was carried into effect, I appointed Mr. Cameron to the office of justice of the peace, and enjoined him to keep proper records of every important case, and to be careful in observing the forms required by law, which from the ignorance of the other magistrates had been previously neglected in the Justices' Court.

I was also induced to take that step by the proceedings of Mr. Webster, who encouraged by his former success, had commenced a fresh suit, founded on some frivolous pretext, against the unfortunate Muirs: a circumstance of which Mr. Muir, senior, with tears in his eyes, came to inform me: and strange as it may appear, after that addition to the bench, Mr. Webster decamped, and has never returned to this colony.

The establishment of a Supreme Court was thus in the first place suggested by the inefficiency of the Justices' Court, and was, moreover, rendered indispensable by the increasing wants of the colony, and the absence of any other court properly possessed of jurisdiction in civil cases. There is nothing unconstitutional in the nature of the Supreme Court, nor inconsistent with the practice of the Mother country, and of all other British colonies. The constitution and forms of pleading drawn up by Mr. Cameron, were transmitted in my Despatch, No. 2, of the 7th January 1854, for consideration and correction; and I, therefore, cannot conceive by what process of reasoning the authors of the petition could be led to suppose that a measure so manifestly intended for the protection of the subject, and the efficient administration of justice, could be intended as an invasion of their civil rights.

The temporary appointment of Mr. Cameron to the office of judge of that court might be so considered, as he has no doubt his faults like other men, but I am confident of his firmness and integrity, and fully convinced that he will not wilfully commit an act of injustice, nor decide on a point of law which he does not fully understand; and besides, there is no other disposable person in the colony so well qualified by experience or legal knowledge to fill the office which, were he suspended, must for want of a qualified person remain vacant.

I beg also to remark, that I have no wish to retain Mr. Cameron as judge, and will suspend the temporary appointment made to him should such be your wish; in that case, however, a judge should be sent out from England, otherwise the clamour will be equally great among the colonists, for the want of a properly constituted civil court.

The argument of the petitioners, founded on the fact of Mr. Cameron's being a servant of the Hudson's Bay Company, will apply with equal force to the other magistrates, as they are servants of the Puget Sound Company, and in a much more dependent position than Mr. Cameron; this, is, however, an unavoidable evil, as there are no qualified persons in the colony for such offices, except the officers of those companies.

The memorial to the Duke of Newcastle appears to be a mere repetition of the complaints set forth in the petition to the Queen.

My opinion of Mr. Cameron's character and capacity has been before stated.