

tions should be put to the witnesses, and what defence should be taken. But as Mr. Davis was not competent to plead in court, the crown solicitor refrained from addressing the jury.

The court which presided on this occasion was held under a special commission issued by your excellency to three justices of the peace, of whom I was one.

For my own part, I most solemnly declare that I make no distinction, nor any inquiry, as to the nationality of persons charged with committing offences against the laws. I deal with each case according to its own peculiar merits; and the maintenance of peace and order during a time of great excitement has been a subject of congratulation; in proof of which I take the following extract from the "Victoria Gazette," November 2, 1858, the editor of which is an American:

"The order that has been maintained here, under circumstances of grave forebodings, aggravated by the numerical weakness of those directly pledged to sustain the law, cannot but have a decided tendency to inspire that confidence upon which is dependent the character of our future population."

I have the honor to remain your excellency's most obedient humble servant,

AUGUSTUS PEMBERTON, *J. P.*

His Excellency JAMES DOUGLAS, Esq.,
Governor of Vancouver's Island and British Columbia.

NOTE.—I would remark that the facts here denied are notorious to everybody in Victoria. While Governor Douglas was still holding my application under advisement, the men were put upon their trial, convicted, with one exception, and sentenced, some of them to transportation, notwithstanding that Mr. Labatt, an American citizen, arose in court and requested a postponement of the trials even for a day until the will of the governor could be known. What Governor Douglas dwells upon as an act of liberality, permitting counsel or friends to confer with the accused in prison, was simply their legal right; but the truth is, they did not enjoy even this right. They had no legal advice whatever.

JOHN NUGENT.

Mr. Nugent to Governor Douglas.

HOTEL DE FRANCE, VICTORIA,
Vancouver's Island, November 12, 1858.

SIR: In my note of third of the present month, I had the honor to call your attention to what I conceived to be a mistake made by your secretary in signing your two communications of the 8th and 13th ultimo, respectively, with his own name. In a verbal conversation had with your excellency on the day on which your last note was dated, I intimated that I could not receive communications on matters connected with my agency through the medium of your private secretary, that gentleman being to me officially unknown. Since then, I have received another note dated November 9, 1858, doubtless dictated by your excellency, but signed in the same way as the two preceding.