

The Weekly British Colonist
AND CHRONICLE.

Tuesday, September 3, 1867.

Free Education and its Opponents.

Yesterday in reporting the interview of the educational deputation with the Governor, we stated that the "Episcopal clergy had petitioned against the continuance of the free system of Education." This statement was not strictly correct. The clergy did not send a petition to the Governor; but the Bishop of Columbia did address a letter to his Excellency in which his Lordship expressed an unfavorable opinion of the free system. Feeling that everything affecting the well-being and preservation of our present system of education is of interest, we here give the Bishop's letter in full:

VICTORIA, August 24th, 1867.

MY DEAR SIR.—In the published account of a recent interview granted by your Excellency to the Board of Education, when reference was made to an address from certain inhabitants of Victoria, complaining of the Government schools, on account of the absence of religious instruction, you are reported to have expressed yourself satisfied with the explanation of the Board, who professed to have given opportunities for such instruction. On behalf of the clergy of the Church of England, I feel it my duty to acquaint your Excellency that we were ready to assist the public education, by affording instruction in Christian principles to the children of those parents who might desire it, but that the Board, in reply to our application, having appointed the *playtime* of the children for that purpose, and thereby attaching to religious teaching a penalty and deprivation, we were obliged to consider the arrangement a virtual denial of the opportunity the School Act had allowed. It is therefore true, both that there is no religious instruction in the schools, and that no proper facilities have ever been afforded for such an advantage. It is much to be lamented that the benefit of the public grant for education should be limited in this part of the Colony to only a small portion of the inhabitants. I believe I am correct in saying that, while there are at this time about 700 children of European parents in the various schools of Vancouver Island, yet not above 250 are in actual attendance in those provided at the public expense: a fact revealing some considerable want of confidence in the present system, and its expensive management.

If the proposal of your Excellency were carried out, my belief is that the result would be a smaller burden upon the public revenue better paid teachers, more efficient schools and more general satisfaction.

I am, your Excellency's

Very faithful servant,

G. COLUMBIA.

His Excellency Governor Seymour.

The first Board of Education, we believe, laid it down as a rule that religious instruction should only be imparted after school hours or during recess; which, as his Lordship very correctly remarks, converts instruction thus imparted into a "penalty." But this rule, it must be remembered, was passed years ago by a body that has since (according to the Governor) deceased. The present Board was reconstituted out of some of the old material with the addition of new; and to our certain knowledge the new organization has never been applied to by the Bishop of Columbia or by any of his clergy or laity, or by any of the clergy or laity of the Catholic church, for a relaxation of the rule. Had an application of the kind been made we believe there is liberality enough in the Board of Education to have consented to the adoption of some plan whereby the children of each denomination might have received during school hours, on different days, in a private or class room attached to the school building, religious instruction from clergymen of their own persuasion; but to allow the clergymen of any denomination to visit the schools and instruct the children of Jews, Catholics, Episcopalians or Dissenters in their peculiar tenets, would be asking a privilege that would not, under any circumstances, we hope, be allowed. The Bishop's complaint "that the benefit of the public grant of education should be limited in this part of the Colony to only a small portion of the inhabitants," and that out of "about seven hundred children of European parents in the various schools of Vancouver Island, yet not above two hundred and fifty are in actual attendance in those provided at the public expense," is not in keeping with facts. The Bishop is perhaps not aware that out of "seven hundred children" of European extraction, on the Island, at least 300 are of so tender an age that it would be an act of supreme folly to send them to any school; and that of the remaining 400, not less than 250 (according to his Lordship's figures) were in regular attendance on the schools under the control of the Board, thus leaving only 150 children to attend the Collegiate School, and the St. Ann's and Angela Colleges. Again, his Lordship says there is "some considerable want of confidence in the present system." Let us refer once more to "facts and figures" to show whether or not this remark is justifiable. About two months ago the public were appealed to on behalf of

the Collegiate School. They were told that, notwithstanding it was managed in accordance with the strict rules of the Church of England, the number of its scholars had decreased so rapidly as to render its further maintenance a matter of considerable anxiety. A meeting of parents and others, in response to this appeal, was held, when it was shown that the school was losing money at the rate of \$2500 per annum, and it was decided to reduce the fees charged scholars from \$5 to \$2 50, in the hope of attracting a larger attendance. At the close of the summer vacation the school was reopened about the same time that the Central (Free) School recommenced; and what has been the result? The Collegiate School counts *sixty pupils*, while the Central School has an average attendance of not less than *one hundred*. If the public, as his Lordship claims, have lost "confidence" in the free school system, all we have to say is that they have an extraordinary way of showing it. In a few days the remaining free schools will recommence their good work, and we have reason to believe that the number of scholars who will attend during the next year will exceed even that of last (377). In concluding his letter the Bishop of Columbia expresses his confidence in a denominational system of education. And that is the whole secret of the opposition offered to Free Schools here. Because of the popularity of the admirable system for which the keystone of a mighty edifice has been laid on this Island, denominational schools are going behind, and governmental aid is sought to assist them in maintaining their position. On this, if on no other point, Churchmen and Catholics are agreed. The single objection taken is that it is wrong to offer to the English or Catholic youth education upon precisely equal terms with the youth of any other denomination; and that the Government is violating all liberal principles and all principles of fairness because they say to the youth of those denominations, "you shall receive the same secular education as the youth of all other denominations, and your religious principles shall be in no degree invaded or interfered with." This is called unfair and illogical! The question a few days ago was whether we should give up, surrender and abandon this noble idea of a united education for all classes on the Island, and exchange it for a sectarian system? The people have answered the question in the negative, and it only remains for the Government to fulfil its promise to the Board of Education to place the Free Secular System again on its feet and out of the reach of future attempts to undermine and destroy its efficiency.

Wednesday, August 28th.

FIRE—The one-story frame residence of Mr. P. McTeirnan, situated between the Esquimalt road bridges, was totally consumed by fire yesterday afternoon, with a portion of the furniture. It is thought the fire originated from an overheated stovepipe. The distance from town, prevented the fire engines arriving in time to gain the mastery over the flames, until the building was well nigh destroyed. It was insured in the "Royal" to the amount of \$6000 only—about one-third of its value. A building close by, belonging to a brother-in-law of the Acting Chief of the Fire Department, narrowly escaped destruction. The day which was excessively warm, gave the boys a "sweating."

SHOOTING AT PORTLAND—The Oregonian, of the 22d inst., furnishes an account of the shooting of the Deputy City Marshal of Portland by a desperado named Frank Miguel, and the subsequent fatal wounding by Miguel of another officer. Miguel fired a pistol in the street, and when the Marshal approached to take him into custody fired the weapon at him, the ball entering the officer's thigh and inflicting a probably fatal injury. Another officer grappled with the desperado, but was at once felled to the ground and was on the point of being strangled when he drew his pistol and shot Miguel twice, wounding him fatally.

REQUISITION—A requisition from Governor Seymour for the arrest of Schlesinger, the forger, was issued yesterday. The wretched man is believed to be already in custody at Discovery Bay. Facts which have come to light since Schlesinger's flight, prove that he carried on the same game successfully in New York, San Francisco and Portland. He is a man of considerable natural ability, good address and insinuating manners, and should be escape punishment on the present charge will be heard of again unfavorably.

THE FUR EMBEZZLEMENT CASE—John Byrne, who was arrested at Nanaimo charged with complicity in the late extensive embezzlement of furs by Lorenzo Sweet, has undergone an examination before the police magistrate, and held in his own recognizance to appear in a week and answer any charge that may be brought against him.

THE LATE SECRETARY WAKEFORD AND FAMILY—A Sydney paper of April last shows amongst the list of passengers per steamer to England by way of Port d'Galle, Mr. and Mrs. Wakeford, Misses Wakeford (5) and Master Wakeford—late of this place and who left this a few months since via Panama for Western Australia, where it was said Mr. Wakeford had been ordered to assume a Government position.

SUDDEN DEATH—A married woman, whose name we did not learn, died suddenly at the residence of her husband, head of Johnson street, last night. Dr. Ash was called in, but was unable to state the cause of death. An inquest will be held to-day.

PAID—Mr. T. C. Nuttall, agent of the Phoenix Insurance Company, in whose office the Alhambra building is insured, yesterday paid Mr. Zeiler a sum of money equivalent to the damage sustained by the fire on his premises.

BOAT RACE—This evening, at a quarter to seven, the gigs Phantom and Tyne, each rowed by four men, will start from the Dredger and row around Deadman's Island and back to place of starting, for \$50 aside.

THE LEVIATHAN returned from New Westminster at 10 1/2 o'clock on Monday night. She brought down papers connected with the proposed arbitration of the Grouse Creek difficulty.

NOVEL VERDICT—A coroner's jury in Idaho, a few days ago, summoned to hold an inquest over the body of a miner who had shot himself, returned a verdict of "suicide in self defence."

CORRECTION—In yesterday's issue we printed the name of Peter Walter instead of Peter Calvert in the Police Court item of assault at Esquimalt.

THE FLX, with a large freight and a few passengers, sailed for New Westminster yesterday.

MR. JOHN KRIEMER is out as independent candidate for Assistant Engineer.

WOODS ARISE—The woods in the vicinity of Saanich are on fire.

The Active will sail for this port to-morrow.

The Grouse Creek Difficulty.

[From the Government Gazette.]

COLONIAL SECRETARY'S OFFICE,
24th August, 1867.

In view of the public interest which has been manifested in relation to the recent disputes on Grouse Creek, the Governor directs the publication of the following letter.

By His Excellency's Command.

WILLIAM A. G. YOUNG.

BRITISH COLUMBIA.

COLONIAL SECRETARY'S OFFICE,
23rd August, 1867.

SIR,—The Grouse Creek Bed Rock Flume Company having agreed to accept of your arbitration in the dispute pending between that Company and the Canadian Co., and there being every probability that the latter Company will likewise accept it, I am desired by the Governor to proceed without delay to put you in possession of such facts, connected with the case, as have come within His Excellency's knowledge.

2. It is not necessary to go back beyond the time when Mr. Commissioner Spalding, at the suit of the Flume Company, ejected the Canadian Company from a certain strip of land, between 37 and 50 feet distance on the east side of Grouse Creek.

3. You will find the records of the Richardson Court House singularly barren of information as to the evidence brought forward at the hearing of the case, and of the motive which governed the decision. The record simply states "Verdict for the plaintiffs;" and His Excellency is informed that the question of boundaries was not entered into. The Charter of the Flume Company gave them a hundred feet in width along the Creek. It was assumed that they had, therefore, 50 feet on each side of the Creek. The Canadian Company were, consequently, ordered to remove to that distance. The Governor believes there was some show of resistance, and that certain members of the Company were sent to prison. The Company immediately appealed to the Supreme Court. Chief Justice Begbie determined that there was no appeal; and thus the matter rested for a time.

4. But the Flume Company then brought an action of trespass before Mr. Commissioner Ball against the Black Hawk Company, for working within 50 feet of the east side of the Creek. The question of boundaries was then gone into. Sworn evidence was produced showing that the Flume Company had, in 1864, taken out the 100 feet in width along the Creek, and witnesses deposed that the stream had changed its course since then, and that the Company were now, by their selection then, entitled to more than 50 feet on the west side, with a corresponding diminution on the east, which left them only 37 feet 10 inches on that side. Mr. Commissioner Ball, accordingly, gave judgment for the Defendants, "the Flume Company's line being only 37 feet 10 inches from their flume, and parallel to it." If this decision was right, it followed that the Canadian Company had been ejected by Mr. Spalding on imperfect evidence. If the strip of 12 feet 2 inches did not belong to the Flume Company it inevitably reverted to the Canadian Company from pre-emption and priority of record. Yet both decisions, apparently contradictory, had the force of law. The Canadian Company, having acquired the rights of the Black Hawk Company, took the land adjudged to them as aforesaid, and also resumed possession of a short portion of the continuation of the strip, which Mr. Ball's judgment constructively assigned to them. Mr. Ball, however, on the 13th July, dispatched three Constables

to eject them. The Canadians resisted, and rescued one member of their company whom the Constables endeavored to secure. The Canadian Company at once (14th July) applied to Mr. Begbie for assistance, and stated that their only object in any action they may have taken "is not with the idea or the intention of making a breach of the law for any other object than to come into Court in a position that would force the Flume Company, or enable them (the Canadian Company) to prove who is entitled to the ground in dispute."

"The Canadian Company well know that they cannot bring the case before you unless on appeal. They are denied a hearing in the Gold Commissioner's Court, consequently can have no appeal either in law or in equity, as they understand it, and on the warrants about to be issued they cannot appear in Court unless in contempt; and this communication is immediately forwarded with no other object than, as far as possible, to disavow any idea or intention of rebellion against the law, but merely to state that their object is to place themselves in a position where they can have the opportunity of proving by law their title to the property in dispute."

5. Mr. Begbie, on the 15th July, replies: (the originals of all the papers from which quotations are made are enclosed to you) "Probably the only satisfactory course would be to go now fully into the question of title, before myself, entirely afresh. But I do not see how I have any power to undertake such investigation, unless all parties come to some agreement respecting it. At all events I cannot see how any open or concerted schemes of violence can aid you."

6. As has been before stated, the Constables were resisted, but Mr. Commissioner Ball still feeling himself called upon to give effect ministerially to Mr. Spalding's decision, which seemed irreconcilable with his own, subsequently proceeded to the ground, backed by the Deputy Sheriff, and a few inhabitants of Cariboo; the surrender of the ground was however refused.

7. A Telegram was sent by Mr. Ball to the Governor on the 18th July, stating the matter, and requesting that a force of Marines might be sent up by Express. The Governor telegraphed in reply "force if necessary; but highly desirable not to send it." The Governor simultaneously received a Telegram from the Canadian Co. "Misunderstanding exists between Gold Commissioner and Miners of Cariboo. Memorial on Miners behalf forwarded you by Express. Full explanation, no violence or fear of any." His Excellency replied "Be sure of justice. But obey law. Keep up high character of Cariboo."

8. The appeal for an armed force to coerce a considerable Mining Company induced the Governor, as you are aware, to consider the matter in the Executive Council when the memorial of the miners and the reports of the Commissioner had been received: and he yielded with some reluctance to the recommendation that he should proceed in person to the scene of the disturbance. The Canadian Co., it was held, possessed a claim to consideration from their protestation that their only object was to have the title to the strip of land 12 feet 2 inches settled in any way which would give them an opportunity of stating their case.

9. On His Excellency's arrival in Cariboo, he placed himself in communication with the two Companies. The Canadian had from the beginning solicited his interference. In Cariboo they asked for a rehearing of the case before Mr. Begbie, or for any arbitration before any one the Governor might please to appoint. They contended that the late decision of Mr. Ball gave the strip of land to them, but nevertheless they would be satisfied with an arbitration. But the Governor, as you are aware, said that before he would entertain the question at all the land in dispute must be handed over to the Government. This was at once agreed to. Next, the gold taken out must be paid over to a Public Officer pending a decision of the case. This was also agreed to at once. All the gold in hand would be paid over, and security given for what had been expended. Further, the Governor said that all the men mentioned in the Gold Commissioner's Summons as having resisted the Police must surrender to justice. This likewise, after some hesitation, was agreed to. Thus the whole question might have been settled at once on the spot, had a similarly conciliatory disposition been evinced by the Flume Company. The Canadian Company were willing to accept any terms, or arbitration. The Flume Company took their stand upon Mr. Spalding's decision and refused to refer the matter to any one even though the Governor went the length of offering to incur the expense of a visit to Cariboo of Chief Justice Needham, to arrange an affair complicated to the utmost by the diametrically opposite decisions of two Gold Commissioners; one in which, to some, strict law might appear to be on one side, and justice on the other.

10. The Canadian company acted in conformity with their pledges, and on the morning after the preliminary discussions, gave themselves up to the Police. The

claims had ceased to work and the whole band appeared at the Court House at Richfield. Mr. Commissioner Ball sentenced all those charged by the police to three months imprisonment. The foreman of the company, Mr. Grant, at once went to prison. The others under legal advice delayed, but for the reason that there is an appeal to the Supreme Court from this the maximum penalty. The men waited quietly at the Court House while their friends went into town to get the requisite security for the appeal. But the day was passing and from the position of the Government Buildings the Governor was necessarily mixed up with the crowd which had collected around. The appeal, would not however, in any way settle the question as to the title to the strip of land in dispute, but merely decide as to the propriety of the amount of punishment awarded for the offence of resisting the police, so the Governor expressed the opinion that those who had been sentenced should go to gaol, and that the proper course would be for the people, if they thought fit, to petition the Governor on their behalf. In the evening a numerous signed petition was presented to the Governor, who in reply to it said that he was willing to consider that the Canadians had only resisted the police in order that their position in regard to a certain piece of land might be ascertained. He then reduced the sentence to two days' imprisonment. The three months would have been tantamount to the loss of the whole mining season. The Canadians, many of them gentlemen of position on the creek, were then locked up in the cells which had that morning been vacated by the execution of two murderers, and in company with an Indian in chains.

11. It is deeply to be regretted that when the Canadian Company submitted to the directions of the Governor, and agreed to hand over treasure, claim and persons, no corresponding conciliation on the part of the Flume Company enabled him to effect an amicable arrangement on the Creek. His Excellency now much fears that the difficulties of the case are likely to be greatly aggravated by the delay which has ensued. He, however, trusts that the Canadian Company will not recede from their first position of conciliation, and that they will, like the Flume Company now, accept the arbitration of yourself, as Surveyor General, in a matter which is essentially one of boundaries and limits. And I am to add in conclusion that should arbitration be accepted by both parties, any force which the Government may have at its disposal will be used to give substantial effect to your award.

I have, &c.,

W. A. G. YOUNG.

The Hon. J. W. Trutch,

Chief Commissioner of Lands and Works, &c.

SELLING A KING—A curious incident in the modern history of Luxemburg is related by the *Kreuz Zeitung* and other German papers, with the remark that if the Luxemburgers are being sold by their Sovereign, it is only an act of strict retribution, since the Luxemburgers had begun by selling their Sovereign, and very cheaply too. The affair is told as follows: Some 30 years ago the oldest church in the country stood in the capital of Luxemburg, on the present Wilhelm's Place. Being in a ruinous state, it was taken down and its religious relics deposited in the Liebfrauen church, (called Kienel church by the people) situated close by. The historical monuments of the old church were not treated with equal respect, but strange to say came under the auctioneer's hammer, and were for the most part sold for a song. A lawyer bought the coffin and corpse of John the Blind, Duke of Luxemburg and King of Bohemia. Seeing that he expended on this whim only the moderate sum of ten francs, he could hardly be accused of imprudence in thus appropriating to himself the dust of royalty. After having satisfied his curiosity on the subject, corpse and coffin had to wander into a corner of the garret of the house, till it was removed with other articles of a legacy, to a Prussian territory, and came into possession of a manufacturer on the Saar where the remains of the chivalrous king were disrespectfully stowed out of the way as before. Years afterwards, when King Frederic Wilhelm IV. of Prussia, travelled through the Rhine Provinces, he visited the factory which had formerly been a fine abbey. The proprietor in showing his royal guest over the place, said jestingly that he was sheltering another King; and related to his Majesty the singular adventures of the royal corpse. The anger of the King was only pacified when the proprietor respectfully placed at his disposal the mortal remains, affording thus an opportunity to atone for the heavy guilt of the Luxemburg country. If the Grand Duke of Luxemburg had sold the sole and last remains of its old Counts and had not even six feet of Luxemburg ground to spare for them, the Prussian King gave them a royal grave, such as hardly may be equaled. An old chapel, called the Klaus, most picturesquely situated on a high rock above the river Saar, was renovated at great expense and consecrated as a resting place for the remains of John the Blind. Let us hope that the ill-treated King is above human frailty, and above planning revenge on the people who sold his ashes so cheap.—*Athenaeum*.

HOLLOWAY'S PILLS—Stomach, Liver and Bowels.—In all painful affections of the stomach, and disordered actions of the liver and bowels, one single trial of these Pills will demonstrate that they possess regulating and renovating powers in a high degree. They speedily restore the appetite, lessen the unpleasant distention of the abdomen, and so prevent inflammation of the bowels, and other serious abdominal ailments. Holloway's Pills, out harassing or weakening the most sensitive constitutions, or interfering materially with the ordinary duties of pleasure or pursuit. The simplicity and efficiency of this treatment has evoked the gratitude of all classes in both hemispheres, and commanded a sale for these purifying Pills unprecedented in medical history.