

Tuesday, July 10, 1866.

The Police Inquiry.

What business man with his wits about him would allow a clerk unrestricted access to his cash-box without inquiry from time to time into the manner in which his affairs were progressing and without examining the state of the finances as compared with that of the books. Left entirely to himself, the most honest man in the world would be tempted to go astray. Too great laxity on the part of an employer is doing the employe an injustice. It is putting temptation in his way, against which he may be unable to struggle successfully. The same rule applies to public officers. We all know that in years gone by serious irregularities have occurred with certain officials. Take the affair of Treasurer Gordon and that of Postmaster D'Ewes, or, later still, that of Superintendent of Police Smith: Who among us will believe that had the Assembly occasionally examined into the state of these offices, any irregularities would have occurred?—that Gordon and D'Ewes would have been compelled to flee the country—the one to blow his own brains out in an Aix-la-Chapelle gambling-house, the other to serve a term of imprisonment as a convict in an English prison? A little healthy inquiry is always beneficial, and although we are not believers in the doctrine that regards every man a thief until he proves himself an honest man, we are still opposed to throwing temptation in his way. Nothing can be more legitimate on the part of the Assembly than to inquire into the state of the public offices. The Legislature is, in fact, the employer of the official. It holds the purse, and as it tightens or loosens its hold upon the strings, the official stands or falls. No honest man objects to render an account of his stewardship when called on in a proper manner, and through a proper channel—he rather courts than evades investigation. It is only the rogue, who skulks about in holes and corners and hates the light because his deeds are evil, who refuses an investigation into his affairs. We therefore regard the investigation now proceeding into the workings of the Police Department as one likely to result beneficially to the officials and the public. If there be anything wrong in the management of the department it should be made known and checked at once; and if, on the other hand, everything be correct, it is due to the officials themselves that full publicity should be given to the fact. The debate yesterday in the House as to the right of the Assembly to compel the Superintendent of Police to attend as a witness upon the Committee, was very interesting, and after some bluster from a certain windy quarter, the House sensibly decided to request the Governor to cause Mr. Hankin, the Superintendent of Police, to appear as a witness before the Committee. A similar course was followed when the Crown Lands Committee required the presence of official witnesses, and His Excellency can offer no excuse for departing in the present instance from the rule then laid down. On the other hand, had Mr. Hankin obeyed the summons of the Committee, he might have rendered himself liable to censure or dismissal by the Governor. It appears that a certain routine (a silly one, it may be,) has to be gone through before an inferior officer can attend without the sanction of his superior officer. Should the latter decline to permit the attendance of the subordinate, he must bear the responsibility and blame himself. Mr. Hankin ought to appear before the Committee for his own sake as well as that of the public, and should His Excellency decline to permit his attendance, we may be sure that there is something behind the scenes that is not intended for the public gaze. In such an event, an appeal to the Colonial office would result unfavorably for the Governor, while a refusal would prove most damaging to the reputation of Mr. Hankin. The power of the Assembly to compel

the attendance of a witness by virtue of the Speaker's warrant, is doubtful. Certainly, the local Act relating to the administration of oaths by the Assembly conveys no such power, and in recent cases instanced by the Speaker—wherein appeals to the Privy Council were made from the action of Colonial Parliaments, by parties who had been imprisoned by their order as recalcitrant witnesses—it was decided that they were illegally held and entitled to compensation for damages. In our own Colony, there has been but one instance wherein a Speaker's warrant was issued, and the party on whom it was served was at the time advised by competent legal authority that he had a good case for the recovery of damages. The Speaker, it seems, is not willing to run even the risk of such an encounter, and will resign rather than sign a warrant. The House of Commons has won and maintains the right to compel the attendance of parties before it; but the question as to whether that power extends to the Colonial Parliaments, would seem to have been decided adversely for the latter. At any rate, the precedent established during the Crown Lands' investigation—which the House affirmed by its vote yesterday—will have to be followed in the present case; and if the fullest information be not afforded, the Assembly will then have a good case to lay before Mr. Cardwell.

Legislative Assembly.

MONDAY, July 2.

The Speaker took his seat at 1.15 p.m. Present—Messrs. Tolmie, Trimble, Young, McClure, Powell, Dickson, Ash, Cochrane, Carwell, Pidwell.

THE POLICE INQUIRY.

Mr. McClure, as Chairman of the Select Committee appointed to inquire into the condition of the Police, applied to the Speaker to issue his warrant to compel Mr. Hankin to show cause why he had not obeyed a summons to attend the Committee.

The Speaker questioned his power to order the arrest of any individual outside of the House.

A long discussion followed this ruling of the House.

Dr. Dickson, in sustaining the right of the House, quoted the case of Forsyth, which occurred in 1828 in Canada. The Chairman of the Committee summoned the Governor's private secretary and the adjutant general of the forces. They acknowledged the summonses and stated that they had applied to Sir Peregrine Maitland for leave to attend the committee, but he declined to allow them unless the nature of the questions to be asked them were furnished. The Chairman of the committee complained to the House and asked for the Speaker's warrant, which was issued, and the parties were arrested. He thought it useless to appoint committees at all if the House did not assert its right to compel the attendance of witnesses. Similar difficulties were always those of the House, and in one case the House had been set at defiance by an executive officer refusing to supply certain papers asked for.

Dr. Tolmie pointed out to the Speaker that section 3 of the Act of July, 1860, on election committees, gave equal powers to select committees of the House to compel the attendance of persons as were exercised by committees of the House of Commons.

The Speaker drew attention to the preamble of the Act which referred specially to election committees.

Mr. McClure contended that the Speaker had all the necessary powers both under the Act and by parliamentary precedents given in May, to issue his warrant, and thought that if the House was to shilly-shally and suffer itself to be treated in this manner, it had better shut up shop at once. (Hear, hear.) He considered that the authorities given were higher than the opinion of the Speaker.

Mr. Young entertained similar views to his hon. colleague as to the rights and powers of this House, and alluded to an instance in which the power of the Speaker to order the attendance of a person at the bar of the House had been exercised.

Mr. Cochrane was not of opinion that the powers of select committees of the House of Assembly were equivalent to those possessed by the House of Commons.

Mr. Pidwell said the powers of the Speaker, before a writ was issued, should be clearly defined, and he did not think that power to arrest any outside person had been yet shown.

Dr. Trimble would move that the Speaker be directed to issue a warrant to compel the attendance of Mr. Hankin. (Hear.)

The Speaker said he should decline to sign it.

Dr. Powell thought they might have got all they wanted had they gone the right way to work. Instead of first sending a summons to two inferior officers and then to the superior, had the committee requested the Governor to order the attendance of the superior officers, it would no doubt have been complied with.

The Speaker suggested that the House should apply to the Governor to order the attendance of Mr. Hankin before the Committee.

Dr. Tolmie said the Speaker had occupied his position long enough to know his duty, and he favored this view.

Mr. McClure highly disapproved of the House going on its knees to the Governor. (Hear.) It was tacitly surrendering the power of the House to assert its constitu-

tional rights, (hear, hear,) and he was in favor of a writ being ordered to issue at once. (Hear.)

Dr. Powell then moved that His Excellency the Governor be respectfully requested to cause the appearance of Mr. Philip Hankin, before the Select Committee of the House, at 9 o'clock to-morrow, for the purpose of giving evidence respecting the management of the Police force of this Colony.

Mr. McClure moved an amendment that this House make an order for the immediate appearance of Mr. Philip Hankin, of the Police Department, at the bar of this House.

The amendment was put first, ayes—Messrs. Trimble, Young, McClure, Dickson, Carwell (5.)

Noes—Messrs. Ash, Tolmie, Powell, Cochrane, Pidwell (5.)

The Speaker gave his casting vote against the amendment and the original motion was carried.

REAL ESTATE SALES.

Leave was given Mr. Cochrane to introduce a motion asking for returns of real estate sold for arrears of taxes.

THE ADDRESS TO THE THRONE.

Mr. McClure asked leave to move for a respectful address to the Governor, asking whether the Petition to the Queen had been forwarded.

The Speaker intimated unofficially that it had.

Mr. Young made a suggestion, in order not to appear discourteous, that the Governor be requested not to suffer the same delay to occur in its transmission as had been the case with others.

Dr. Dickson suggested an addendum asking whether the Governor had not sent home an explanatory telegram.

Mr. Pidwell never saw in any Legislature any motion so discourteous. Could it be supposed that the Governor would risk his position by the delay?

Dr. Dickson—What about the other case of five months delay?

Mr. McClure—The hon. gentleman is making out as a motion of want of confidence in the Governor. It is no such thing.

Dr. Trimble—He is the Governor's apologist. Leave was given, Mr. Pidwell alone dissenting, and the House adjourned till Tuesday (to-day) at 3 p.m.

TUESDAY, July 2d.

The Speaker took his seat at 1.15 p.m. Present—Messrs. DeCosmos, Young, Tolmie, Trimble, Dickson, Stamp, Carwell, Pidwell, Powell, Cochrane, Ash.

FINANCIAL RETURNS.

The Speaker stated that His Excellency had requested his attendance in reference to the detailed statement of revenue and expenditure in 1865 asked for, which comprised 160 pages. His Excellency had no one to copy the accounts, but would have them copied if the House would authorize the expenditure or would allow the clerk of the House to copy them if desired.

At the suggestion of Mr. DeCosmos the consideration of the communication was postponed. He did not at present see the object of incurring the expense.

[Mr. McClure here entered.]

POLICE ENQUIRY.

The following communication was read from His Excellency the Governor: Vancouver Island.

GOVERNMENT HOUSE, Victoria, 2nd July, 1866.

To the Honorable the Speaker and members of the Legislative Assembly.

GENTLEMEN:—I have the honor to acknowledge the receipt of an address from the Legislative Assembly of this day's date, praying me to cause the appearance of Mr. Hankin before the Select Committee of the House, appointed to inquire into the condition of the Police Department, to give evidence respecting the management of that Department.

As anxious as I am at all times to meet the wishes of the Assembly and to furnish every information that can reasonably be required, I must nevertheless point out that there are limits in regard to such matters within which it is my especial duty to keep, and as I have not yet received from the House or any other source any complaint in respect of the management of the Police Force, nor any address for information in reference thereto, I am in consequence not prepared to direct the attendance of any public officer before a Committee of the House.

If, however, the Assembly will state what information is desired in respect of the Police Department, I will readily consider the propriety of supplying it on that purpose.

[I have the honor to be, &c.]

A. E. KENNEDY, Governor.

The House was cleared to receive a communication from the Governor referring to a previous confidential communication.

REAL ESTATE RETURNS.

Mr. Cochrane moved that a committee be appointed to enquire into the working of the Real Estate Act, 1860. The mover assigned his reasons for asking for this committee.

Mr. Young supported the motion.

Dr. Dickson would also support it, but seeing how a committee now sitting had failed to obtain the information it had sought for, he thought this request would be equally futile and it was useless to pass it.

The motion was agreed to, and the mover, with Messrs. Ash and Pidwell, were appointed on the committee.

POLICE ENQUIRY.

Mr. McClure asked the consent of the House to admit the public during the police enquiry. It was thought that the publication of the evidence would further the ends of the committee and induce some to come forward who would not otherwise tender their testimony.

Leave was unanimously given.

The House then went into committee on the Governor's communication respecting the police enquiry.

Mr. McClure thought the House was indebted to the Governor for the very effective manner in which he had solved the question. Hon. members were confident that the Governor would comply with the requests of the House—he was not. They were very anxious

to bow to His Excellency and give up every representative right the House possessed—he was not disposed to yield the single right. If the House was now willing to resign its rights or to allow them to be infringed upon, the responsibility would rest with the members. He regarded His Excellency's answer as adding insult to injury. (Hear.) The House is treated like a lot of school boys, and is told that if it informs His Excellency what it wants he will consider if it shall be supplied. The hon. gentleman assailed the Governor's communication at some length, laying stress upon the manner in which Governmental favorites were shielded, and the slight offered to the best interests of the House, rendering the public servants whom it paid, a farce and a sham.

He asked the House whether Her Majesty was ever known to send down such a letter to Her Parliament? and whether the Queen's Representative here did not stand in precisely the same position in relation to the House of Assembly? (Hear, hear.) If the House could not insist upon its rights, he for one would like to see it dissolved, and the Government of the country left to the Executive. He concluded by again moving that Mr. Hankin be brought before the bar of the House.

Mr. Young rose to support the motion. He was assured by hon. gentlemen, that the request of the previous day was the proper way to obtain what was wanted. (Hear.) But it was evident that the House would never get what it wanted until it assumed a firm and bold attitude. The hon. gentleman, in disclaiming a factious desire, indulged in a string of invectives directed at some nameless individual, at the same time giving his philippic a self-laudatory construction. The hon. member did not regard himself as a "canting, mean hypocrite, or a sneaking political Pharisee" whose actions were influenced by base and unworthy motives. No one was more anxious for order or more loyal, but he was at the same time "loyal to himself."

Mr. DeCosmos asked the object of causing Mr. Hankin to appear at the bar of the House—what was he to do when there? Was it to give evidence before the Committee, because if so there was no object in bringing him before the bar of the House.

Mr. McClure pointed out that that was the course dictated in May.

Mr. Cochrane again reiterated his arguments of the previous day, enforcing that the powers of the House to maintain the motion, were not sufficiently defined.

Dr. Tolmie said if the law of the Colony did not give the power it ought to do so. He had voted for applying to His Excellency, but he looked upon that as the safest course to pursue, and he thought the House might frame a resolution setting forth the object of the enquiry without abjuring any of its rights. If it came to a question of bringing Mr. Hankin before the bar of the House, he should vote as he did yesterday.

Dr. Powell had moved the resolution of the previous day, believing that the Governor would order the attendance of Mr. Hankin. He did not now see the use of a further resolution being sent to the Governor on the subject and would prefer seeing the powers of the House tested. If the object could not be attained, he might as a last resource agree not to vote the supplies as suggested by the hon. member for the city, Mr. McClure.

Mr. DeCosmos asked the Speaker to explain his view of the law on the subject.

The Speaker said hon. gentlemen on the other side maintained that the House had the right to arrest. He denied that it possessed any powers of the kind. It had certain powers, but what those were it was not his present intention to state. He had not the power to arrest. It was thought the House was irresponsible; that was not the case, and the person signing a warrant would make himself personally liable. The verdict in the two cases previously referred to was that the House had no right to imprison individuals, be thrown into the gaol and made a scapegoat of, his feeling and conviction being that the House had not the right or the power.

Mr. DeCosmos said the question was whether the House had the power to arrest or not. The House stood in its relation to the people as the Grand Inquest of the country. Two similar cases had occurred at Tasmania and Newfoundland, and the Judicial Committee of the Privy Council (a late institution) had ruled that the House had not the right to make those arrests. Those were the only cases in point that he knew of. The hon. gentleman thought that the wisest way was to appoint a committee to enquire into the rights of the House. The committee might be able to obtain reports of the two cases in point, and would have to ascertain whether the two Colonies were created by the Common Law prerogative with representative institutions or by statute; whether, in fact, their constitutions were similar to our own or not. He would state that he was not in favor of the House invading the liberty of the subject. (Hear, hear.) A responsible as well as an irresponsible body might do a wrong. He had himself been brought before the bar of this House, and had had the key turned upon him in a room. He had then looked up the law and now gave the House the benefit of it. He moved the appointment of a committee of three to report without delay on the laws and customs of Parliament as to the right of this House to enforce the attendance of a person before a select committee of the same.

The motion was agreed to and the mover and Messrs. Tolmie and Dickson were placed on the committee.

THE RETURNS.

This subject was taken up. Mr. Young maintained that it was the duty of the House to be in possession of full details of the expenditure, as it was known that unauthorized payments had been made.

It was finally agreed to refer the matter to the Finance Committee, Mr. Young being appointed in the place of Mr. Duncan, and the House adjourned till Thursday at 3 p.m.

Legislative Council.

TUESDAY, July 3.

Council met at 2.45 p.m. Present—The hon. Chief Justice (presiding) Attorney General, Treasurer, R. Finlayson, H. Rhodes and D. Fraser.

INDIAN LIQUOR BILL.

The hon. Mr. Fraser presented a petition signed by a number of respectable citizens, against the passage of the Bill legalizing the sale of liquor to Indians.

The hon. Mr. Finlayson said he had already presented to the Council a petition in favor of the bill.

On motion of the hon. Attorney General, the second reading of the Bill was postponed till next meeting to admit of the attendance of a full Council.

INVESTMENT AND LOAN BILL.

On motion of the hon. Attorney General, this bill was read a second time and committed.

REPRESENTATION BILL.

The second reading of a bill extending the Representation Bill and enabling the Districts of Cowichan and Comox to elect members to the House of Assembly, was also postponed.

VICTORIA INCORPORATION BILL.

Council went into Committee on this Bill, the hon. Mr. Fraser in the chair. After a short discussion, it was decided to invite the Mayor of the city, with one or two of his Councillors, to attend a meeting of the Council, on Tuesday, the 10th inst., at 11 a.m., and give evidence as to the requirements of the Corporation.

The hon. Colonial Secretary here entered. The Committee reported progress on the bill and asked leave to sit again.

PROTECTION OF INVENTIONS. Council went into Committee on this Bill.

Coroner's Juries.

EDITORS COLONIST AND CHRONICLE:—The undersigned has waited, for some time, to see if any of the "professed politicians" or colonial patriots, would have brought to the notice of the public, through the press, the meditated assault upon the British Constitution, by a Bill framed by the Hon. Attorney General, and now under the consideration of the Legislative Council, professing, with the "simple" object of empowering the Stipendiary Magistrate to perform the duties of Coroner, and to remove a complaint with regard to the number of persons serving on Coroner's Juries in the Colony. It is proposed to reduce the number of jurors to six in the city and three in the country districts. Now, sir, this "simple" action must be looked upon, in its true light, for it is a tremendous innovation upon our ancient Constitution, and its adoption may materially affect the rights and liberties of British subjects. Trial by jury, commentators tell us, has been used time out of mind, in the British nation, and seems to be coeval with the dawn of every Englishman, which as the grand bulk of his liberties, is secured to him by Magna Charta; (the great charter) "nullus liber homo capietur, vel imprisonetur, aut exiliet, aut aliquo modo destruetur, nisi per legale iudicium parium suorum, vel per legem terre" which being interpreted, reads that no freeman shall be apprehended, or imprisoned, or banished, or in any other manner disparaged, except by the legal judgment of his peers, or by the "paladium" of English liberty.

It is not necessary for our present purpose to touch upon the Coroner's office, how he is elected, or that he is chosen for his, or his discretionary powers as to excluding reporters of the press from inquests, &c.; his power is principally judicial; and consists, first in inquiring, when any person is slain, or dies suddenly, concerning the manner of his death. This must be in sight of the corpse, for if the body be not found the Coroner cannot sit. He must also sit at the very place where the death happened; and his inquiry is to be made by a jury—and now mark— from four, five, or six, of the neighbouring towns, over whom he presides. The caution here may be looked upon as extreme, but we know that influences, powerful influences, have been used to screen criminals who have been known to have committed most heinous murders. We have not yet, thank God, subscribed to the civilizing notion of our neighbors as to the value of human life; if a murderer is committed in Great Britain it is not passed over by a mere newspaper item. It rings through the kingdom with a powerful knell, and every engine is set in motion to vindicate and sustain the law. It will be readily admitted that six jurymen may be sufficient in the city of Victoria, and for this reason the reporters of the press will be present, a host in themselves; but who is to watch the proceedings of the Coroner and the THREE in the country districts? Besides, the Coroner is the Justice of the Peace; the jury may give a verdict contrary to the judgment of the Coroner, the Coroner's justice issues a warrant against some suspected party, whom the jury of "three" acquit, and notwithstanding that acquittal, the justice may commit the suspected party to prison to be tried at the Assizes. The verdict of a jury of six, in the country districts, would be more satisfactory to the public, because that number would not be suspected of being influenced by motives which might obstruct the course of justice.

F. F. D.

City Council.

MONDAY, July 2d, 1866.

Council met at 8 p.m. Present—His Worship the Mayor, and Councillors Lewis, Jeffery, sen., Layzell, Jeffery, jr., and Hebbard.

COMMUNICATIONS.

From Supt. Hankin, asking permission to open Bastion street, for the purpose of laying a sewer from the gail to the main sewer. Placed on file.

From Messrs. Astico & Co., asking leave to lay down a sewer from the Telegraph Hotel, on Store street, to the ravine, to carry away surplus water. Leave granted after a long discussion.

SANITARY BY-LAW.

Mr. Lewis presented the By-law framed under advice. It did not contain all the Council, but those who would be added by and by, and the bill would answer all purposes in the interim. He moved the first reading of the bill, which was agreed to, and the bill was considered clause by clause. Council then adjourned till Monday evening next.

Tuesday, July 10, 1866.

By Electric Telegraph.

SPECIAL TO THE COLONIST AND CHRONICLE.

California. San Francisco, July 1st.—Received yesterday from Salt Lake the sale by Jack McKenty, an Irishman, of a quartz claim located near Helena, Montana, to a company for \$300,000.

The Evening Tribune, a new paper appeared on Thursday last, is a political in character and of substantial element in Congress.

The trial trip of the steamer Cleopatra yesterday was a successful one and gentlemen participated on board.

Miss Rosa Celeste walked to Cliff House to Seal Rock. She needed the feat.

The Bank of California filed to increase its capital stock to \$1,000,000. The steamer Orizaba left for today.

Weather clear and cool.

MARVELOUS YIELD OF THE AND DAVIS CLAIM.

GOOD NEWS FROM GROUND.

QUESNELLEMOUTH, July 2nd. Sentinel of June 28th, says: A trial was held on the Sue, was charged by H. H. with having in his possession receipt from the Bank of North America, for \$750, lost or stolen on Saturday from complainant. After an hour brought the pocket book, and delivered them prisoner and cautioned and

Some Chinamen were a suspicion of having robbed of the Chittenden Mining Co. hee Creek.

The surplus fund remaining hands of the committee who the subscription for the to Judge Cox, amounting to was generously bestowed on of Charity of Victoria, and last express to be applied to maintenance of two children Winnard, sent from here to over a year ago.

The Sentinel of July 2nd, on was crossing a log, on Job at Grouse Creek, his foot slipped he fell on a sharp limb of a ceiving a very severe cut on

A man named John C. while at work in the Cayote claim, on Saturday last, had badly bruised by the caving bank

On the same day another man John Muir, in the Vaughan claim, marvelously escaped by a similar cave.

Mr. Lee, who had his leg near the Blue Tent House, two ago, got in on Saturday.

Since our last visit to Grouse the population has increased to 240, and claims that were only being prospected are now ing large returns. All happened within a month.

The last eight days the export has increased in consequence new developments, and the ore been staked off for two or three

It is the opinion of miners acquainted with the country, lead will continue straight in creek. This creek supplies a attain which has long been the country, namely:—The means of access to those of means. The Discovery Co. king out their usual pay, three ounces a day to the hand.

There are 11 or 12 companies work on this creek—some large good pay.

During the past week there been a very perceptible increase the yield of gold from the claims on Williams Creek, likely to continue throughout

son. The Anners Co. washed Thursday 219 ounces and yesterday 350 ounces. The Davis was for the week about 387 ounces amounts—being 1085 ounces—of the disputed ground and will