

Weekly British Colonist AND CHRONICLE.

Tuesday, September 11, 1866.

The Initiation of Money Votes by the Lower House.

If the consequences of the evil acts of ruling powers fell alone upon themselves, it would be well. But the misfortune is that the blindness of bigotry, the madness of ambition, and the dishonesty of diplomacy find their victims principally amongst the innocent and unoffending. When error sits in the seat of power and authority, and is generated in high places, it may be compared in its effects to that torrent which originates in the mountain and sweeping down the sides carries devastation into the vale. Thus it is that if the mistakes of our Government and the Legislature were to fall upon the perpetrators, as they deserve to do, a just punishment would be meted out, and not a hand would be raised by the people to avert the stroke. Unfortunately, the wrong-doing of the rulers falls upon the ruled, and the misery endured by the latter is too often escaped entirely, and at most only shared by the former. The deplorable effects of the "deadlock" on the Colony at large cannot be overestimated. The confidence existing in the minds of many that an improved state of things was about to dawn on the Colony, has been almost obliterated by this last and blighting visitation—brought about by the stupidity and dishonesty of the Lower, and the obstinacy of the Upper House. The question on which the "deadlock" has arisen is one that intimately affects the constitutional rights of the Crown in this Colony, viz: the position assumed by the Lower House in their asserted right to initiate money-grants. This right has always been exercised by the Crown, in manner following: The Governor finds that he requires a certain sum of money to carry on the Government, and calls on the Legislative Assembly to vote the necessary sum. The Assembly has contented itself with exercising a privilege, never denied it, of lowering or striking out the items of expenditure proposed. But previous to the session that has just closed, it has never asserted its right to increase the amount required or to introduce new items of expenditure that were not asked for by the Executive. On this assumed right the House has met with determined opposition on the part of the Executive and the Legislative Council, which bodies maintain that the power to initiate money-grants is alone vested in the Crown, and that the assumption of the Assembly is an attempt to exercise Executive functions. The position of the Assembly, explained in a few words, is this: that Vancouver Island, being a British Colony, its inhabitants must possess the rights of Englishmen; that the House of Commons, being the representative body of the British people, possesses the right of the English commons; therefore the House of Assembly of Vancouver Island possesses similar rights, chiefly because it does not possess a written constitution saying the contrary. So, because it does not possess any constitution (that is confessed), granting special or any privileges; therefore it must possess every privilege if chooses to assert, or at least such as are exercised by the House of Commons. How long have English Colonies possessed all the rights exercised by Englishmen? Before or since the American war? before or since the Canadian rebellion? before or since the establishment of the Colony of British Columbia? before or since the insurrection in Jamaica? Why, the very term "colonial system" implies more or less subservience and obedience to Her Majesty's Government, the only admitted principle being (and it was only admitted since the American revolution,) "that the people cannot be taxed excepting they be represented." The people are taxed and represented in British Columbia. Does the Council of British Columbia assert that it possesses, and will exercise all the rights of the British House of Commons? Yet that Colony has been established since the one of Vancouver Island, and it is at least probable that Her Majesty's Government possesses a colonial system under which certain privileges are granted to legislatures. Will the privileges thereby granted confer on the House of Assembly the "rights" which the members assert to be theirs? or upon the Legislative Council the rights which the members presume to belong to them? The Houses of

Parliament did not constitute the Legislature of Vancouver Island, but the Crown did by proclamation. Would or could the Crown confer on the people of this Colony all the rights and privileges of the House of Commons of England? Would it not rather have conferred such rights as the "Colonial system granted" and none other? Having shown that the Colony is under the rule and guidance of the mother country, and that it possesses only those rights and privileges that are granted to it; having shown the absurdity of the position taken by the House of Assembly, viz: because it has not a constitution defined by Act of Parliament, that therefore it possesses the constitutional rights and privileges of the House of Commons of England, or in other words, that the rights and privileges of the people of Vancouver Island are the same as those of Great Britain; and having shown the probability that the rights and privileges of the House of Assembly are regulated by the "colonial system" of England, when not otherwise expressed, (that is to say: when a Colony has not a written constitution) it must have an understood constitution according to certain rules and regulations; it is tolerably easy to pass to the resolutions recently agreed upon by the Assembly. They are based upon the presumption, or assumption, that the Assembly stands in the position of the Commons, the Council of the Lords; and the Governor of the Crown. But let any one look at these three bodies, and ask whether the Legislature here is constituted like that of England. If they resemble the Government of England, how is it that there is not a ministry or a responsible system of Government? It is absurd to say that the House possesses the constitution of the Commons, and at the same time to be constantly asking Her Majesty's Government to increase its privileges by instituting a Responsible Government of some kind or other. There is a Responsible Government now, the Executive being responsible to Her Majesty's Government. The responsibility asked for is, that the Government may be responsible to the people. Now if the Government here is of that low grade that the Governor is responsible to the Home Government, surely it will not be attempted to establish that the Legislature possesses the same power as the British Legislature? The fact is, the Executive of Great Britain is responsible to the Legislature; but here the Executive is not responsible to the Legislature, but to the Crown. That this system ought not to be the case, is one thing—that it is so is another; but things must be taken as they are, not as they ought to be. For the House to assert that it does possess this, that or the other thing, when it should have said that it ought to possess so and so, is a mistake. To say that it does possess it, is not the way to acquire power. To gain power, a constitutional course must be adopted, and that course is to ask Her Majesty's Government to grant it; but of what use is it asking for a power when the House asserts in its resolutions that it already possesses more power than the House of Commons, or indeed than any Responsible Government, in money matters?

The Country's Defender.

Our evening cotemporary, when he is not writing treason or holding out inducements to the Government to "suppress" his incendiary sheet, is occupied in an attempt to delude the public into a belief that the illegal practices of the Assembly were confined to raising the salaries of two schoolmasters and the Hospital appropriation. Now, every man who reads the papers must know that this statement is not in strict accordance with the facts, and that the Legislature not only voted the amount of money the Governor asked, but \$10,000 besides. This vote was made when the howl of our cotemporary was loudest for Retrenchment, and but for the despised, derided, and belied Legislative Council would have become law. It was against this pick-pocket policy of the Assembly that we raised our voice. We have no objection to teachers as well as other public officers being well paid, and we hope that when our cotemporary succeeds in obtaining the office he has long coveted that he will be voted a respectable salary to live on; but we do object to the Assembly exercising the power to increase the salaries of their friends and lowering those of their enemies, as a matter of principle. The individual cases cited by our cotemporary have nothing to do with the questions at issue, any further than a question of constitutional law is concerned. Once admit the principle of allowing the Assembly to initiate money votes and next year the designing fellows would be voting themselves fat salaries and telling the Governor that if he did not consent to pay them he would get no Civil List passed. As our cotemporary would be personally interested in the passage of such a vote, it will be seen how deeply he is interested in introducing a corrupt system into this Colony. Our cotemporary likens us to a "poodle"—but we are more than a poodle; he will find us a "Dog Tearer" that can bite as well as "bark" when public thieves are about.

LOCAL INTELLIGENCE.

Tuesday, Sept. 4th.

OUR PUBLIC SCHOOLS.—Notice was recently sent by the Colonial Secretary to the Superintendent of Education informing him that His Excellency the Governor, under the existing state of affairs, could not hold out any guarantee for payment of expenses attending the department. The Board of Education was in consequence called together on Saturday, and it was first mooted that the whole department should be closed. Milder counsel, however, prevailed, and it was resolved that as the notice was general and included teachers, contractors, lessors and all parties interested directly or indirectly in the department, they should all be notified, and their determination communicated to the Board. This was done and the opinion of all, down to the servants engaged in cleaning and sweeping the school rooms, was taken, when to their credit all signified their willingness, sooner than suffer such a blow to be dealt to the place, to continue their services for the present. The public are deeply indebted to these persons for the course they have pursued. We can scarcely conceive anything more detrimental to the place at the present critical juncture than the closing of the common schools. If there is one thing more prized by the people and for which they would more willingly contribute their money than another, it is the maintenance of their free schools. Despite the number of families who have left within the past few months we learn that there are at present 108 boys and 97 girls in the Central School, and 39 pupils in the District School, while the proficiency that the scholars have acquired under their able instructors has been the source of universal congratulation.

ASCENT OF MOUNT HOOD.—A party consisting of the Rev. Dr. Atkinson and Son, Rev. James Deardoff, Dr. Whitehead, U. S. A.; J. Higgins, D. D. Clark, D. Harvey and A. Wood, have succeeded in scaling the summit of Mount Hood in Oregon. The following is their report: Owing to the warm weather and the advanced season, immense chasms in the snow have formed, rendering our journey exceedingly perilous and difficult. The grand result of this expedition is the measurement of the mountain. Mount Hood stands unrivalled among the mountains of North America. By an approved method, viz: the boiling of water, and thermometer, we ascertained its height to be 17,640 feet above the level of the sea, (for the thermometer stood at 180° in a hollow 40 feet below the pinnacle.) Our two barometers failed to indicate the enormous height, one for its short graduations, the other for its short spring. The former made an entire revolution upon the dial, and its indications will be hereafter computed. The mass of the mountain is volcanic lava and ashes. There is a crater yet open and constantly emitting sulphurous vapor. Glaciers are there also, as on Mont Blanc, composed of clear blue ice, gradually sliding down the awful ravines. The Flora is beautiful, almost purely Alpine. We gathered specimens of more than thirty species peculiar to the mountain, all of which are new to the science.

MUNICIPAL COUNCIL.—This Council met last evening. Present—His Worship the Mayor, and Councillors Jeffery, sen., Layzell, Hubbard and Jeffery, jr. An application of Mr. J. Sehl, with reference to filling up a portion of Broughton street, was referred to the Committee on Streets, with power to act. An application from Mr. A. De Cosmos, enclosing a draft for \$150 from Mr. H. C. Conroy, for acceptance by the Mayor and Council was considered, and the request refused by the casting vote of the Mayor, who intimated that an application to record the transfer of the debenture on the Councils books might be made. Ayes—Hubbard and Layzell. Noes—Jeffery, sen., and Jeffery, jr. A communication from Mr. E. B. Soammel asking further time for the removal of a nuisance, was referred to the Sanitary Commission. The first report of the Sanitary Commission was read. The Committee had notified 119 persons of nuisances existing in various forms, the major portion of which had been abated. Council adjourned, subject to the call of the Mayor.

GOING AWAY.—We regret to learn that Mr. R. G. Marsh is about to leave with his family for Portland, where his services are in requisition as manager of the theatre. The public have been indebted to Mr. and Mrs. Marsh, their son George, and the universal favorite, Jenny Arnot, for many agreeable evenings, and their departure will be a serious loss to the play-goers of Victoria. With all the tact and ability of our amateurs, we question whether they can succeed in getting up a successful entertainment without their valuable aid. We must not allow our regrets, however, to make us selfish, and if Mr. Marsh has positively determined upon taking his family away, we wish him and them every success.

H. M. S. SUTLEY, it is said, will proceed up to Comox.

THE BANKRUPTCY COURT stands adjourned till the 19th September.

MR. CHARLES PLUMMER, a prominent citizen, died at Seattle on Wednesday last.

CHARGE OF THEFT.—John Clerhue was charged yesterday in the Police Court by W. W. Gibbs with stealing a mahogany box containing \$5 25 in silver, a pocket book and papers. The complainant stated that he had given the accused, who was without employment, a bed to sleep in, and having noticed that a small box standing on a table by the window which contained money had been opened and the contents examined, his suspicions became aroused. He subsequently saw the accused loitering about the house at James Bay after the doors had been locked and watched, when the accused came to the window which was open and placing his hand in removed the box and went away. The box was found lying against the house, but the money was gone. Mr. John Weir was also examined, but did not see the alleged theft committed, he was present when the box was found lying open behind the house. The Magistrate said with the evidence before the Court it would be strange if the prisoner did not plead guilty and receive summary punishment instead of allowing the case to be sent up to a higher court. He would remand the prisoner for one day, and in the mean time he had better think it over.

DESTRUCTION OF SHEEP.—Complaints reach us from Cloverdale farm, (Dr. Tolmie's) to the effect that a band of vagrant dogs have been making raids upon the sheep fold, and killed eleven of the flock within a day or two. Mr. Dougherty, the manager, advises persons who have allowed their curs to run at large, to tie them up in future, for should they visit Cloverdale, he will not be responsible for their early decease. From Uplands farm, we learn that sixteen sheep were destroyed by wolves in one night; the bodies of six were found lying on the ground with their hearts torn out; the rest had been carried away by the destroyers.

THE CABLE ENTERPRISE.—The Atlantic Cable enterprise is represented by three capitals each £600,000. The shares in the first are £1,000 each, and sold lately in London, under the promise of the new venture, for from £250 to £300. Next is a preferred 8 per cent. capital in shares of £5 each, that have been in demand of late at £5 15s. The third capital, or that which is undertaking the new experiment, is in £10 shares which are at small discount.

THE BRITISH COLUMBIA LEGISLATURE.—A correspondent writing from New Westminster on Saturday, says: "The term of the present Legislature expires to-day, and rumors of a new election having circulated, there is great excitement in Stump Town, and canvassing is going on briskly; Mr. D. McCullough, Bank British Columbia Agent; H. Holbrook, John Robson, and Wm. Fisher are at present in the field. The latter had a requisition presented to him last night signed by 131 residents, pledging themselves to support him. McCullough comes out as the Government Candidate. Mr. Wallace will run for Yale, and will get in."

FOR NAAS RIVER.—The gunboat Forward will leave Esquimalt this morning at 8 o'clock, for Metlakatlah, Naas river. The Rev. Mr. Doolan, of the Indian Mission, will depart in the Forward.

STREET FIGHTING.—Charles Cruix and Benjamin Martin, were charged by Inspector Welch yesterday in the Police Court with fighting in the street. After hearing the evidence the Magistrate discharged Martin, and fined Cruix \$10 or two months imprisonment.

PHOTOGRAPHIC.—Mr. Maynard, of Johnson street, Photographer, has presented us with views of the ceremony of laying the foundation stone of the new church at Esquimalt, and a view of the "gorge" Victoria Arm. They are very well executed, and both pictures are worth procuring.

ARRIVED BELOW.—A telegram received yesterday, announces the arrival of M. W. T. Drake, Esq., of the firm of Drake & Jackson of this city, at San Francisco. Mr. Drake will come up on the next steamer, which will probably leave on Saturday.

DESERTION.—Garry, Brown and Terry, the three seamen belonging to the Mohawk, were yesterday further remanded for "three days"; the Magistrate remarked that if the Captain was not present by that time he must discharge the men.

EXEMPTION FROM HARBOR DUES.

EDITOR COLONIST & CHRONICLE:—Sir—Captain H. P. Barr of the American ship John Jay, now loading at Burrard's Inlet, for Sydney, N. S. Wales, wishes to be informed "whether he can enter the port of Victoria or Esquimalt with his ship for the purpose of procuring supplies and men without having to pay the harbor dues?" by answering this question you will confer a favor on a great many who are connected with and interested in the prosperity of Vancouver Island as well as on your obedient servant.

[Should the Harbor Dues Act Amendment Bill, which has passed the two Houses of Legislature, receive the assent of the Governor, the captain may enter for the purposes mentioned without paying the Harbor Dues.—Ed.]

His Honor the Chief Justice proceeds on a visit to Nanaimo this morning.

Summary Court.

(REPORT BY CHIEF JUSTICE NEWMAN.)

MONDAY, Sept. 3.

W. H. Alexander v. D. Prindible.—Action for goods sold and delivered. Plaintiff in person, judgment in default for \$44 33.

The Sams v. Edward Kelly.—Judgment in default for \$23, goods sold and delivered.

James Fell v. James Tarte.—Judgment in default for \$7 37, goods sold and delivered.

John Lomax v. Chas. Williams.—Judgment in default for \$6.

James Carstoll v. W. H. Huskinson.—Judgment for \$135 for rent.

Wren v. Rabson.—Defendant, by Mr. Courtney, appeared to answer a commitment summons for \$158. The answer to the claim was that the defendant had received his discharge in Bankruptcy. Mr. Bishop contended that this was no answer, the debt having been contracted between the adjudication and discharge. His Lordship reserved his decision on the points raised.

Central America.

Central America dates to August 11th The Panama Star and Herald says: We hear of a rising in the department of Chiriqui against the present government. The Prefect, Francischie, and young Domingo O'Baldia, are said to be in prison. We understand that the Government intends sending down a respectable force to quell disturbances.

The town of Monte Cristo was almost entirely destroyed by fire on the 11th of July.

Costa Rica has refused to join the South American alliance.

A disturbance had occurred at the port of San Jose, by which several were killed.

South America.

Valparaiso dates are to July 27 and Callao to the 28th. The news presents no features of interest.

The Government of Chili has accepted a loan of six millions from the National Bank. The Parvian government appointed Mr. Tucker, who was in the rebel navy, to the command of the fleet.

The Hudson Bay Company's Post and Colonization.

The Directors of the Hudson Bay Company have issued their annual report, in which they discuss the question whether or no colonization on a large scale ought to be undertaken by the Company. They say:—

An offer was made to the company to assume the government of the territory, but it was on terms which would have left to our proprietors no prospect of immediate profit, and very little hope of future gain of any kind. A counter proposal was then made by us which was not accepted and the lamented death of the Duke of Newcastle put an end to the negotiations in this form. We see no symptoms as yet, either here or in America, of any immediate demand for land in the Hudson territory, and we anticipate, that even if, in the existing state of things, settlers occupied the land, would they ever pay the "weak private points" for it? Our experience at Red River points to a different conclusion. Most assuredly the only condition for their doing so is the existence administered in the Queen's name, and that has been refused to us except on terms which would virtually deprive us of the control and proprietorship of our lands. We cannot colonize successfully the land which we have without another government, and we have been refused another government without sacrificing the land which we seek to colonize. As honest men, too, we cannot sell land in this country to settlers without preparing for their reception, and without being sure of affording them quiet possession and sufficient protection when they arrive there.

Assuming things to remain as they are now with respect to the government of the territory, the question now lies between the two following positions:—

1. The company may proceed at once to deal with their territory as if the sale of land was its principal business, and as if the far trade was a secondary object. This would, in fact, change the "whole character" of its operations as at present carried on. It would certainly involve a large expenditure of ready money, and would as certainly impose upon the company an indefinite responsibility for the future. It would injure the trade now in existence by the direct withdrawal of capital, by facilitating perhaps to a certain degree the rivalry of other traders, and by stripping our offices and disorganizing the service as at present arranged. The only source of actual income might be impaired, and the prospect of future gain from the sale of lands be doubtful.

2. On the other hand, by economy in its arrangements at home and abroad, by expediting the transport, and thus diminishing gradually the large amount of capital lying dead to goods and provisions at several posts in the interior; and by an extension of its trade in proper quarters, the company may seek at once to keep down its expenditure and increase its returns. It would thus abstain from accelerating interferences with its existing business, while it would profit to the utmost by all its present sources of income. In the meantime the land is not decreasing in value, since its prospective worth is growing with the increase of population in the neighboring states and territories, and we have no objection to colonization if the conditions necessary for settlement are first secured, or if any company or association will undertake, with sufficient guarantees the responsibility of emigration.

The claims of the company on the United States government are now approaching adjudication, which may, in fact, be expected before the close of the present year. The dividends of the shareholders, be they large or small, will not at any rate be risked or damaged by premature acting on their own part. In the meantime, if an offer to purchase our territory and political rights is made, such as may properly be accepted by the proprietors, an opportunity will present itself for diminishing the amount of capital on which dividends must be paid, and the company relieved of its political duties, might continue its commercial course with increased vigor. No large expenditure of ready money would have been made on the speculative ground of remote and contingent gain. Between the two courses thus sketched out, as it seems to us the choice of the shareholders must now be made.

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The Initiation of Money Votes by the Lower House.

To return to the question which the Assembly and have parted bad friends, right to "initiate money would be a matter of importance at the present and one that would wards allaying the present state of the popular mind, sibly could show that it possesses the power it claim it has a written constitution up. The truth, however, is is no such document in exist "May's Parliamentary Practice" book continually quoted for port of the position as merely a book published with authority to show the customs and regulations of the House of Commons for the benefit of the thereof. "May" cannot be any authority or constitution to either branch of the Legislature. Either House the rules therein laid down itself and members, but such tion will not give the power House as against the other, neither as against the Executive, the asserted rights of the House cannot have been obtained adoption of "May's Parliamentary Practice," and even "May" that there are "Sessional Orders," The for the most part renewed en masse at the beginning session, but the latter are as of a permanent nature as not renewed or agreed to at ning of every session. therefore, that "suspending ing Orders" would merely the "Sessional" and not to manent Orders." In British the regulations governing are quasi laws agreed to by Governor and the Council Standing Orders may, he suspended by the consent, majority, but of the wh members. Whence, then, Legislature derive its power from the instructions given Governor by the Queen? T instructions are binding Governor within certain the Governor to obey the Q instructions or is he to yield sserted rights" of either br Legislature?

British Columbia Politics.

The coming election are have entirely engrossed the of the politicians of the nei Colony. Mr. John Robson with a lengthy address to Westminster constituency ready to offer up the count altar of humanity, and Union, or rather the incorp Vancouver Island with B lumbia, on the terms propo selfish sacrifice! He will Retrenchment in the civ The partial if not total a the Tonnage Dues. A Law. Free grants to d taxes on wild lands to be district roads. Securing land to the Indians for act no more, and throwing open of the residue of the reserv settler. The construction roads in the agricultural "More stringent measures f pression of the smuggling extensively carried on bet toria (!) and the Indians along board," and an immigration On other subjects such as t tion of the Colonies, he hope the opportunity, when the of expressing his views. S Robson is the only candida published his political creed gers who arrived yesterday Enterprise state that Mr. M had resigned and his suppo gone over to Mr. Fisher. brook, who purposes running loot, had also resigned in f Fisher. The latter gentle not appear to have been pu in earnest at the outset,