

The Weekly Colonist.

Tuesday, August 30, 1864.

EUROPEAN AFFAIRS.

The recent news from Europe gives us the unexpected and extraordinary intelligence that the Danish imbroglio has been at length settled, with the sacrifice of the whole of Schleswig and the island of Alsen. We say "unexpected and extraordinary;" for the most that the Germans claimed at the Conference was the portion south of a line drawn from Tondern to Flensburg, not half the territory of the Duchy. We can scarcely credit this wholesale announcement, but if future intelligence shows it to be correct, it will result in one of those retributive judgments that are sometimes meted out to callous, self-sufficient mortals for their indifference to the sufferings of their fellow-creatures. The idea that England or France, or both combined, can now retain the peace of Europe when they feel disposed to become a pitiable fallacy. Denmark despoiled before their eyes, amid all the false pretences which the Germans originally put forward—with all the implied promises of England that the Schleswig territory should be maintained intact—with all the protestations of France against what it considered an outrageous assumption when Prussia attempted to cross the Eider—what can be more humiliating to the Great Powers of Western Europe? If temporary peace was the object, France and England have attained their desire, but they can rest assured the quietude will be only temporary. No greater temptation could be held out to unscrupulous powers than the knowledge that their acts will go unpunished. It is the same with them as it is with the footpad. Let us dispense with our courts of justice and our police, and we shall not doubt get rid of the unsightly gibbon; but it is desirable that society should be left to the mercy of its worst elements? Russia has been allowed to decimate Poland—to wreak barbaric vengeance on an already maltreated race, because that race chooses to resent a brutal treatment. France then was ready to espouse the cause of the Poles, but England, with her sympathy for the oppressed, where was she? Enveloped in her own intensified selfishness. Denmark becomes the victim, and England is ready to take her part, but where is France? Alas, shall we say it, playing the same game of childish, culpable selfishness—paying off England for her reluctance to Polish suffering; leaving her in humiliation, because Earl Russell scouted the Napoleonic Congress. In the meantime Russia slays the Pole, and Germany divides the Dane. Peace is maintained; because the footpad's victims are too weak to resent successfully the brutal onslaughts. The acquisition of the Duchies will give to Germany a seaboard on the Baltic Sea and German Ocean of probably eight hundred miles. The grand aspiration, therefore, of the German Federation has been granted—the facility to become a great naval power. So long as the German Confederacy was confined to military strength, Europe found in it a strong conservator of the peace; but now, with the opportunity of launching its navies on the deep—and with its recent easy aggressive conquests fixed indelibly in its mind, there will be no more ambitious power on the European continent, and no greater disturber of the peace. It has won Schleswig and Holstein too easily to be satisfied with the conquest. Finland is bound to come next, and Sweden, with all her assumed indifference, is almost in as great danger as Denmark. The "balance of power" is indeed upset; and the dread on the part of England of plunging Europe into war by interfering with Germany has made the probabilities of a general trouble more than ever apparent. The force of example in these European outrages is strongly illustrated. France is allowed to annex Savoy and Nice without any further interposition than that presented by an impotent diplo-macy; Russia seeing this sets to work and destroys or banishes the Poles, the rest of Europe pitifully but powerlessly protesting. This is too much for Germany, and perceiving her neighbors getting along so vigorously with impunity, she must have a finger in the pillaging pie, and so fastens on to the Danubians. The main is an infectious one, and is bound to bring about general hostilities some of these days when probably least expected.

THE TELEGRAPH STOPPED.—The Home Government, not content with refusing any aid to a British Overland Telegraph Line, appear determined to prevent us from obtaining telegraphic facilities from our more enterprising neighbors. The Imperial despatches laid before the House yesterday state that Her Majesty's Government are unable to allow any exclusive privileges to the line between these colonies and the United States west of the Rocky Mountains, because the Government may have to communicate through British Columbia in very critical times and on important matters with H. M. naval forces on the Pacific! What this can possibly have to do with sending messages between these colonies and the Pacific States is not very easy to conjecture; one thing appears tolerably certain, however; if we wait for our ocean line of steamers, or overland telegraph, or any other national requirement till the Home Government sees fit to grant it, we will in all probability be the last among civilized communities to possess these modern and much needed advantages.

LEGISLATIVE COUNCIL.

Tuesday, Aug. 23d.

This body held their first sitting of the Autumn Session yesterday.

Present: the Hon. Colonial Secretary, the Hon. Treasurer, the Hon. Roderick Finlayson, and Hon. Donald Fraser.

The Hon. Henry Rhodes was introduced to the Council and took his seat.

THE SUMMONING OF THE LEGISLATURE.

A discussion arose on the legality of the summoning of the Legislature.

The Hon. Donald Fraser considered that the Governor had committed a serious error in summoning the House to meet without giving 14 days' notice, such being contrary to all precedents, by which His Excellency should have been guided.

This opinion was opposed by the Hon. Colonial-Secretary and Treasurer, and after the sense of the House was taken a committee was appointed to take the matter into consideration, and the Council adjourned.

HOUSE OF ASSEMBLY.

Tuesday, August 23d.

The House met at 3 1/2 p.m. members present, Messrs. DeCosmos, Franklin, Trimble, Street, Duncan, Dennes, Carswell.

THE NEW CHIEF JUSTICE.

The Speaker read the following communication from His Excellency, enclosing a despatch from the Imperial Secretary of State:

VICTORIA, Aug. 22, 1864.

To the Honorable the Speaker and Members of the Legislative Assembly,

GENTLEMEN.—I have the honor to transmit the reply of Her Majesty's Secretary of State for the Colonies to a despatch of my predecessor, enclosing a copy of a resolution of the Legislative Assembly, representing the necessity of appointing a barrister from England to fill the office of Chief-Justice of Vancouver Island.

I have the honor to be, Gentlemen, Your very obedient servant,

A. R. KENNEDY, Governor.

DOWNING STREET, May 12, 1864.

Sir,—I have received Sir James Douglas's despatch, No. 4, of the 3rd of March, enclosing a copy of a resolution passed by the Legislative Assembly of Vancouver Island, representing the necessity of appointing a barrister from this country to fill the office of Chief-Justice, and stating that the House would be prepared to vote a pension of £500 per annum to the present Chief Justice.

The arrangement which the House of Assembly desire to effect is one which appears to be very well worthy of adoption, but I cannot propose to any member of the bar in England to go to Vancouver Island until I have the means of giving him a sufficient assurance that his office will have the independent and permanent character which is on public grounds so desirable, but which the laws now in force do not confer.

I have, &c., (Signed) EDWARD CARDWELL.

THE TELEGRAPH BILL VETOED.

The Speaker read the following communication from His Excellency:

VANCOUVER ISLAND, Victoria, 23d August, 1864.

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

GENTLEMEN: I have the honor to transmit for the information of the Legislative Assembly, two despatches with enclosures from Her Majesty's Secretary of State for the Colonies, in reference to the granting exclusive rights and privileges to the California State Telegraph Company. I have already communicated the purport of this despatch to the President of the California State Telegraph Company.

I have the honor to be, Gentlemen, Your very obedient servant,

A. R. KENNEDY, Governor.

(COPY.)

No. 8. Downing street, 1st June, 1864.

Sir, It has been brought to my notice that a bill now passing through the House of Assembly of Vancouver Island by which certain exclusive rights are granted to an American Telegraph Company who are about to construct a line from San Francisco.

I enclose for your information a copy of a Parliamentary paper from which you will learn that the policy of the Imperial Government is directly opposed to the grant of any monopoly of telegraphic communication, and I have therefore to instruct you to withhold your assent from any bill granting such a monopoly unless it contains a clause suspending its operation until Her Majesty's pleasure be made known.

I am of opinion that it is most improbable that such law would receive Her Majesty's approval, or if passed without a suspending clause be allowed to remain in operation.

I have, &c., (Signed) EDWARD CARDWELL, Governor Kennedy, &c., &c.

DOWNING STREET, July 1, 1864.

Sir,—With reference to my other despatch of this day's date, I have to inform you that I have received within the last few days an ordinance from British Columbia, similar in its objectionable provisions to the law which I understand is being passed by the Legislature of Vancouver Island, I therefore deem it right to forward for your information a copy of a despatch which I have addressed by this mail to Governor Seymour, explaining the objections entertained by Her Majesty's Government to the grant of exclusive privileges to telegraphic companies.

I have, &c., (Signed) EDWARD CARDWELL, Governor Kennedy, &c., &c.

DOWNING STREET, July 1, 1864.

Sir,—I have received your predecessor's despatch No. 14 of the 4th ultimo, accompanied by three ordinances of the Legislature of British Columbia including No. 9 of 1864 intitled An Ordinance to encourage the

construction of a Telegraph Line connecting British Columbia with the Telegraph Lines of the United States and for other purposes.

I observe that by the 5th clause of this Ordinance there is secured to the California State Telegraph Company for a period of twenty years after the completion of a certain telegraph line the exclusive right of sending and receiving messages between any place within the colony of British Columbia and any other place within the territory of the United States of America to the west of the Rocky Mountains.

From the Parliamentary paper noted in the margin of which a copy is enclosed, you will learn (what from the correspondence between this department and Mr. Collins respecting the construction of a telegraph line to British Columbia across the North of Asia (which correspondence was communicated to you on the 10th of February last, you will have inferred) that H. M. Government are unable to sanction the establishment of any exclusive privileges in regard to telegraphic communication, and you cannot fail to see that the strict enforcement of this principle is peculiarly indispensable in British Columbia, through which Her Majesty's very critical times and in very important matters with Her Majesty's Naval Forces on the Pacific. It will therefore be impossible that the 5th clause of the Ordinance under consideration should be allowed to remain in operation and the California State Telegraph Company should be at once so informed.

I have hesitated to recommend the immediate disallowance of this ordinance because it appears to me that by allowing it to be present to remain in operation, I shall facilitate those negotiations between the Government and the Company, which will be necessary to provide either for the continuance or for the abandonment of the enterprise.

I hope you will be able to make arrangements under which the undertaking may proceed, but it must be clearly understood that the exclusive right of telegraphic communication can, under no circumstances, be allowed, and that if the clause giving that right be not repealed, I shall have no other alternative left than that of advising Her Majesty to disallow the whole ordinance.

I have, &c., (Signed) EDWARD CARDWELL.

VANCOUVER ISLAND, Victoria, 23d August, 1864.

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

GENTLEMEN: I have the honor to transmit for the information of the Legislative Assembly, a further Despatch from Her Majesty's Secretary of State for the Colonies, on the subject of the proposed Telegraph connecting Victoria with the Telegraph system of the United States.

I have the honor to be, Gentlemen, Your very obedient servant,

A. R. KENNEDY, Governor.

(Signed) EDWARD CARDWELL.

DOWNING STREET, July 11, 1864.

Sir,—I have the honor to acknowledge the receipt of your despatch, No. 16, of the 14th of March, enclosing among other Acts, an Act entitled "An Act to grant the right to construct a telegraph line connecting Victoria with the Telegraph system of the United States and for other purposes."

On the subject of this Act I have only to refer you to my despatch to Governor Seymour of the 1st of June last (copy of which was forwarded to you by the mail of that day) as conveying the views of Her Majesty's Government.

I have, &c., (Signed) EDWARD CARDWELL.

REPLY TO THE ADDRESS.

Mr. DeCosmos, as Chairman of the Committee appointed to draw up a reply to the Governor's Speech, reported a draft of a reply:

The report was referred to Committee of the Whole.

SMALL DEBTS BILL.

Mr. Dennes gave notice of a bill to render more easy the recovery of small debts and demands.

THE ILLEGAL MEETING OF THE HOUSE.

Mr. DeCosmos rose to call to the notice of the House a fact which had not yet been brought up. This House had been called together on only four days' notice. This was a circumstance without parallel in any colony, and he believed had no precedent in the history of the British Empire in England Great Britain.

The members of the House in England here, were this House to recognize this as a precedent. He believed the House was bound to mark its opinion of this Act. At present at least four seats were vacant in the House.

Dr. Trimble—Three.

Mr. DeCosmos—Well, putting it down at three, that would be a similar proportion to 150 in the House of Commons, and no minute try would attempt to carry on business in the House of Commons in the absence of so many members, and on so short notice. He thought the Governor was not justified in calling the House together at so short notice. On examining into the subject he found by the English statute of Geo. III, cap. 127, that the prerogative of the Crown is to call together the House was limited, so that the House could not be summoned under 14 days' notice. This law was binding here, and the House was bound to mark its opinion in regard to this statute, and the act of calling together the House. Suppose some one should dispute the validity of acts passed on business in the present session, there were grave reasons for believing that the Supreme Court would sustain the objection. He thought this House would be justified in representing to the Executive that before the proper fourteen days' notice. The hon. gentleman instanced other cases of difficulty which might arise in the present state of things. He had drawn up the following resolution in regard to the matter which he hoped would meet with the approval of the House:

Resolved, That the Governor shall not call together the House under 14 days' notice, and whereas the British Columbia including No. 9 of 1864 intitled An Ordinance to encourage the

giving less than 14 days notice, and whereas there are grave reasons to suppose that in consequence of the requisite notice not being given the validity of any acts of this House may be called in question.

Resolved, therefore, that this House is of the opinion that it is not expedient to transact any public business till such time as the Parliament of this Colony shall be assembled in accordance with the time of notice prescribed by the aforesaid statute.

The Speaker said the motion was not in order.

Mr. DeCosmos said it was a question on privilege; it remained for the House to say whether it should not lie on the table twenty-four hours.

Mr. Franklin differed from his hon. colleague in thinking that Imperial statutes necessarily applied here. He alluded to an instance where the Imperial parliament in the reign of George III had refused to meet without 14 days' notice, and said that the cases were greatly altered now. The facilities of travelling were such that he doubted whether four days would be given instead of fourteen. He disputed the figures of the hon. gentleman as to the number of vacant seats. There was only one member who was affected by the short notice, viz, the hon. member for Victoria district; another, the hon. member for Esquimalt and Metchoin was in England and could not possibly be here in any case. If the Executive had made a mistake, the hon. gentleman had committed a similar error by moving the House to take up business by moving the Barristers' Bill. He opposed the resolutions as they would tend to bring into force old English statutes many of which were now obsolete and ridiculous. He would move that the resolutions be referred to a select committee.

Dr. Trimble before the question was put to the House would beg to read the following extract of a letter dated Downing street, July 31, '48, in reply to Sir H. Pelly, from B. Davies, Esq., Under Colonial Secretary for the colonies, saying, "Provision is already made for establishing a judicial authority under the Act for establishing Criminal and Civil jurisdiction in certain parts of North America, 1 and 2 Geo. IV. c. 56." This has never been repealed and in the indenture of Charter to the H. B. Company, it declared that the law shall be the same as that of Lower and Upper Canada. The Canadian Civil and Criminal Law is still in force in this colony, and by that law not only Canadian barristers practise in our courts but the Governor as in Canada, by the 3d and 4th Victoria, c. 31, sec. 11, could do so in force in our courts from time to time, and at time without specifying any particular notice.

Mr. DeCosmos denied that he wished to prove that all English statutes applied here; all he wished to show was that the particular Act passed in the reign of George III was in force, and the hon. gentleman (Mr. Franklin) well knew that this was the opinion of one of the best jurists in this country. The latest editions of May showed that this Act was still in force in England, and consequently here. He thought it would be a singular position that the lawmakers of the colony should be lawbreakers. The summing of the House was undoubtedly opposed to law, and he would ask the House whether they would sanction such a proceeding. He had no feeling in this matter against the Executive; his only motive was to avoid illegal action on the part of the House. He quoted from Blackstone that it was actually necessary for the monarch of Great Britain to give 14 days' notice before calling the parliament together. He would ask if this House would be a party to an abuse of the prerogative of the Crown, even although it was, as he believed, ignorantly and unintentionally done.

Mr. Carswell fully concurred with the mover of the motion. It was highly advisable to avoid litigation. He seconded the resolution.

Mr. Franklin moved that the question be referred to a select committee.

Dr. Trimble seconded.

Mr. Dennes moved that the question be referred to a committee of the whole.

Mr. Street seconded.

Mr. DeCosmos said, with the consent of the House, he would withdraw his resolution in favor of the last amendment.

On the second clause, expressing their readiness to take the proposed measures into consideration.

Dr. Helmecken moved, that the committee rise and report progress. They could not agree to take anything in the speech into consideration when they had just passed resolutions affirming that they could not do so. The committee rose and reported progress, and the House adjourned till to-day (Wednesday), at 2 p.m.

INDIAN OUTRAGES ON THE WEST COAST.

The following interesting particulars in reference to the conduct of the West Coast Indians towards the traders who visit them, has been furnished to us by Capt. Francis of the schooner Surprise, who has just returned from a trading voyage as far as Barclay Sound. This is only one of many similar instances of Indian insolence that have come to our knowledge, and which call for some measure of prevention and protection to the traders by the Government.

On the 13th August arrived at To-quah. About two hours after we anchored, the Indian chief with two men came on board and priced the trade goods; he then returned to the camp apparently satisfied with the various prices, and said that they would return with some oil. Before he returned an Indian came alongside and sold some oil at the stated price; when he returned he commenced growling that I had not given him more. Amongst other things he said that the reason we did not give more was that they were good Indians, and we were not frightened at them, and that if they acted the same as the Obists did to Banfield that the next vessel that came would give them more. I told them that if I did not give enough not to trade their oil, but to make a row. They then asked me what I came there for if I did not buy; I answered I came there to trade but could give them no more than I always had done before. At this time there were on deck about 10 or 12 Indians or perhaps more; most of them had long knives with them.

The chief then told one of them to go forward and see that the other man did not come aft, and he placed two more Indians at the cabin door so that I could not move away from the place where I stood near the Taffrail. The other Indians shouted, "Kill him! Kill him! there will be nothing done, it has been done before and nothing said." The Chief attempted to lay hold of me and ordered the women and children to go home; he then spit twice in my face, and said "kill him, if nothing else would do," when an Indian cried out "don't kill him, he has been a good man to Indians, it is better to kill some one else;" he grinned at me and said "I could kill you and drink your blood."

After a little he cooled down and said now measure the oil; I did so, thinking it best and paid for it with the usual quantity of molasses. He said it was not enough and took the plug out of the cask and let it run into his bucket until he was satisfied. I then traded some more for two blankets, to get which I went into the cabin; some 5 or 6 of the Indians followed me down, one of them demanded he see the pistol that I had on board; I told him it was now night, that if he would come to-morrow I would show it to him; he told me to hand it out at once or he would break open the lock; I then took it out and showed it to him; he asked for powder and shot so that he might try it, but an Indian sitting by me touched me on the leg, as a hint not to give it to him. I told him I had more on board, when the chief said "never mind, I have powder and shot at my house, let us go." They then proceeded on deck; I asked the Indian if he intended to steal the pistol, he said yes, and if I said another word, he would take my head along with it. They then all got into their canoes, but one, who was begging for tobacco. He whispered to me to get underweigh from there as soon as the Indians were far enough away not to hear us, as they intended to return that night and murder us. The village was distant two miles, and so soon as the Indians were out of sight, I got underweigh and left the Sound.

Every outrage committed with impunity by the coast, as the news goes along very fast, and there is not the least doubt, to any one at all acquainted with the character of the Indians between Bonilla Point and Cape Scott, that it will eventually end in one or more murders, unless something is done by the Government to check their high-handed proceedings. They are perfectly well aware that they are doing wrong, and it is nothing else but the impunity they have enjoyed, (three white men having been murdered since 1856-'57, without retribution) that causes them to act as they have done lately, getting worse and worse every year.

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