VANCOUVER ISLAND.

RETURN to an Address of the Honourable The House of Commons, dated 13 July 1863;—*for*,

"COPIES or EXTRACTS of any CORRESPONDENCE between Mr. *Langford* and the Colonial Department, relative to alleged Abuses in the Government of *Vancouver's Island*:"

"Of any CORRESPONDENCE between the Colonial Department and Governor *Douglas*, referring to Mr. *Langford*'s Charges:"

"And, of any CORRESPONDENCE with the Government of *Vancouver's Island*, relative to the Appointment of Chief Justice *Cameron*, and the Remonstrances against such Appointment."

Colonial Office,
24 July 1863.

C. FORTESCUE.

(*Mr. Fitzwilliam.*)

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1863.

SCHEDULE.

Correspondence between Mr. *Langford* and the Colonial Department.

No. in Series.			PAGE
1	E. E. Langford, Esq., to the Duke of Newcastle -	10 Mar. 1860 - -	3
2	Ditto - - - ditto - - - -	18 June 1861 - -	7
3	Ditto - - - ditto - - - -	21 May 1862 - -	8
4	C. Fortescue, Esq., M. P. to E. E. Langford, Esq. -	31 May 1862 - -	9
5	E. E. Langford, Esq., to the Duke of Newcastle -	5 June 1862 - -	10
6	C. Fortescue, Esq., M. P. to E. E. Langford, Esq. -	21 June 1862 - -	10
7	E. E. Langford, Esq., to the Duke of Newcastle -	20 Feb. 1863 - -	11
8	T. F. Elliot, Esq., to E. E. Langford, Esq. - -	6 Mar. 1863 - -	11
9	Sir F. Rogers, Bart., to E. E. Langford, Esq. -	23 Apr. 1863 - -	11
10	E. E. Langford, Esq., to the Duke of Newcastle -	27 Apr. 1863 - -	12
11	C. Fortescue, Esq., M. P., to E. E. Langford, Esq. -	7 May 1863 - -	12

Correspondence between the Colonial Department and Governor *Douglas*.

1	Governor Douglas to the Duke of Newcastle - -	No. 14. 23 Mar. 1860	13
2	The Secretary of State to Governor Douglas - -	No. 28. 26 July 1860	16
3	The Duke of Newcastle to ditto - - - -	No. 101. 2 June 1862	16
4	Ditto - - - ditto - - - -	No. 106. 19 June 1862	16
5	Governor Douglas to the Duke of Newcastle - -	No. 44. 23 Aug. 1862	17
6	Ditto - - - ditto - - - -	No. 3. 14 Feb. 1863	18
7	Ditto - - - ditto - - - -	No. 4. 14 Feb. 1863	22
8	Ditto - - - ditto - - - -	No. 5. 14 Feb. 1863	30
9	The Duke of Newcastle to Governor Douglas -	No. 8. 5 Mar. 1863	35
10	Ditto - - - ditto - - - -	No. 12. 23 Apr. 1863	36
11	Ditto - - - ditto - - - -	No. 13. 25 Apr. 1863	36

Correspondence with the Government of *Vancouver Island* relative to the Appointment of Chief Justice *Cameron*.

DESPATCHES FROM THE GOVERNOR.

1	No. 2. - 7 Jan. 1854 - - - - - - - - - - -	37
2	No. 42. - 11 Dec. 1854 - - - - - - - - - - -	38
3	No. 23. - 15 Sept. 1856 (Extract.) - - - - - - - - -	42
4	No. 25. - 28 July 1857 (Extract.) - - - - - - - - -	42
5	No. 3. - 22 Jan. 1858 - - - - - - - - - - -	42

DESPATCHES FROM THE SECRETARY OF STATE.

1	No. 3. - 20 Aug. 1854 - - - - - - - - - - -	43
2	No. 8. - 26 Apr. 1856 - - - - - - - - - - -	45
3	No. 9. - 5 May 1856 (Extract.) - - - - - - - -	46
4	No. 12. - 8 July 1856 - - - - - - - - - - -	46
5	No. 14. - 6 Nov. 1857 - - - - - - - - - - -	49
6	No. 2. - 30 Apr. 1858 - - - - - - - - - - -	49

APPENDIX.

1	Thomas Banister, Esq., to Mr. Secretary Labouchere.	2 May 1856 - -	50
2	H. Merivale, Esq., to Thomas Banister, Esq. -	16 May 1856 - -	51
3	John Ball, Esq., M. P., to Thomas Banister, Esq. -	1 July 1856 - -	51
4	Thomas Banister, Esq., to Mr. Secretary Labouchere.	2 July 1856 - -	51
5	Ditto - - - ditto - - - -	16 Jan. 1857 - -	51

COPIES or EXTRACTS of any CORRESPONDENCE between Mr. *Langford* and the Colonial Department, relative to alleged Abuses in the Government of *Vancouver's Island*:—Of any CORRESPONDENCE between the Colonial Department and Governor *Douglas*, referring to Mr. *Langford's* Charges:—And, of any CORRESPONDENCE with the Government of *Vancouver's Island* relative to the Appointment of Chief Justice *Cameron*, and the Remonstrances against such Appointment.

Correspondence between Mr. Langford and the Colonial Department.

— No. 1. —

No. 1.
E. E. Langford, Esq., to the Duke of Newcastle, K. G.
10 March 1860.

COPY of a LETTER from *E. E. Langford*, Esq., to his Grace the Duke of *Newcastle*, K. G.

[This letter was transmitted in Governor Douglas's Despatch, No. 14 of 23 March 1860, printed at page 13.]

My Lord Duke, Vancouver's Island, 10 March 1860.

I HAVE the honour most respectfully to submit the enclosed correspondence and the following memorandum for the consideration of your Grace, in the hope that his Excellency Mr. Douglas may be directed to cause that proper inquiry be instituted which he has manifested a lukewarmness to afford me. It is with regret that I make the complaint these documents represent, Mr. Dallas, the agent for the Puget Sound Company, in whose favour the colonial surveyor acted to my disadvantage, being the son-in-law of Governor Douglas; yet the Land Office of this Colony has been held in such extremely low estimation by the community in general, that it becomes a public duty on my part not to relinquish proceedings in which sufficient testimony is, as I think, produceable, to bring a case (supposed to be but one) of many similar home to the offending parties. In urging the matter upon the notice of your Grace, I am sensible of the responsibility I incur, and of the manner in which failure to substantiate my statement must recoil upon myself; for, being a justice of the peace for the Colony, continuance in such office would, of course, be an impossibility should my representations lack foundation. It is with a confidence, therefore, inspired by the sense of the necessity for caution and accuracy, that I venture to submit facts, which appear to me to be such as your Grace's predecessor in office (who, in his Despatch of 14 August 1858, warned Governor Douglas to take precautions against "cheating in land,") would have desired to have been made aware of.

MEMORANDUM of original Complaint, with Observations upon Mr. *Pemberton's* Statement, and the Delay of Governor *Douglas* in meeting my representations.

1st. That in the summer of 1858, I made personal (that being the usual) application at the Land Office to purchase a certain tract of land, and was informed by the colonial surveyor, Mr. Pemberton, that the land was already disposed of to Mr. Dallas; that, doubting this, I further questioned Mr. Pemberton, who then stated that the first instalment or purchase money had been

paid by the said Mr. Dallas; in proof of the correctness of this narration by me, I enclose an affidavit made by Dr. Wallace, assistant surgeon (Her Majesty's ship "Satellite"), who was present at my interview with Mr. Pemberton.

2d. That the above statement of Mr. Pemberton that the money had been paid by Mr. Dallas was untrue. Mr. Pemberton, in his letter of 20th December 1859, admits that no money was ever paid, and that by such false statement I was defrauded of my right as an individual, by being prevented from then making a purchase of land I was by law entitled to have executed; and though Mr. Pemberton in his letter of 20th December may not be aware of it, was thereby deprived of an opportunity of profiting by the circumstances of the day, and consequently experienced a loss.

3d. That Mr. Pemberton's excuse that the land was bespoken by Mr. Dallas is frivolous, and but proves the illegality of Mr. Pemberton's proceedings in withholding the land from me; the false statement to me concerning the payment having been made, it is remarkable Mr. Pemberton does not deny, though, in my letter of 17th December, referred to him by the Governor, I charged him with the subterfuge.

4th. It is remarkable, moreover, that Mr. Pemberton in his attempt at extenuation, admits that *subsequently* to the bespeaking of Mr. Dallas (on which he rests his defence), he did dispose of certain sections of the bespoken land to other parties. Mr. Pemberton pleads some discretionary power in land sales; to admit this would be to open the door to every phase of fraud; the law is clear, the land cannot be denied to any man, except reserved for public purposes or previously *bonâ fide* sold.

5th. The attempt to mix my name with the application of Mr. Dallas, which was made in 1857, not 1858, can only be regarded as an attempt to confuse the case: the question is, did or did not Mr. Pemberton make a false statement to me concerning the purchase-money, when I made personal application for the land in my own name; his admission, and the affidavit of Dr. Wallace, I think, answer this.

Such is the case against the Land Office. My complaint against Mr. Douglas is, that, although I applied to his Excellency for an inquiry to be instituted *before* the *departure* of Mr. Pemberton from the Colony, he permitted Mr. Pemberton to leave for England without affording me such inquiry, and, that gross delay took place in forwarding to me Mr. Pemberton's explanation; not until after frequent application could I obtain it; thus, from December 20th to February 4th was I precluded from taking further steps, and, as I think, the correspondence shows for itself the systematic attempt to defeat the object of my application, an early solution, is a justifiable cause for dissatisfaction on my part, a reproach to his Excellency the Governor, and reasonable ground for my venturing to crave the aid of your Grace in a matter the public would desire should be closely sifted, the Lands Department of the Colony having been long regarded with grave distrust by the people generally.

I have, &c.
(signed) *Edward E. Langford.*

Encl. in No. 1.

Enclosures in No. 1.

Sir, 17 December 1859.

I BEG to complain to you of the unjust, partial and improper conduct of the colonial surveyor with regard to the disposal of the colonial lands; the particulars of the complaint which I now most respectfully submit to you are as follows: in the summer of 1858 I applied to the colonial surveyor to purchase a certain tract of land, but was informed that the land I wanted, about 200 or 300 acres, and also a quantity adjoining, amounting in all to about 1,200 acres, had been purchased by Mr. Dallas, either on his own account, or on that of the Puget Sound Company, and that the necessary instalment had been paid; on learning this, I naturally felt disappointed (but had then no cause of complaint) as, in common with every one else in the Colony, I was anxious in a legitimate manner to realize something, after a long residence in Vancouver's Island, barren as to any pecuniary benefit. I could, at the time when I wanted it, have re-sold the land at five times the original cost. Now the land that I required was never duly disposed of as stated by the surveyor, has never been occupied

occupied or improved in any manner, but has been unjustly withheld from the market to my injury as an individual, and possibly, also, to the interests of the colony. I beg most respectfully to request that you will cause an early investigation of my complaint, as I hear that the surveyor is soon about to depart for England.

I have, &c.

To his Excellency James Douglas, Esq., C.B., (signed) *Edward E. Langford.*
Governor of Vancouver's Island,
&c. &c. &c.

Colonial Secretary's Office, Victoria, Vancouver Island,
20 December 1859.

Sir,

I HAVE the honour, by direction of his Excellency the Governor, to acknowledge the receipt of your letter of the 17th instant, making complaint against the colonial surveyor for partial conduct in effecting the sales of land; and, in reply thereto, I am to acquaint you that his Excellency having received from the colonial surveyor a report upon the matter in question, has forwarded the same to the Attorney General, who will enter into communication with you on the subject.

I have, &c.

E. E. Langford, Esq., (signed) *William A. G. Young,*
&c. &c. &c. Acting Colonial Secretary.

Sir, 31 December 1859.

I HAVE the honour to acknowledge the receipt of a letter from the Colonial Secretary, dated 20th December instant, informing me that the Attorney General would enter into communication with me on the subject of my charges against the colonial surveyor, Mr. Pemberton, and having received no communication from the Attorney General, though a sufficient time has elapsed, I have the honour to request that there may be no further delay in the necessary investigation, which is a subject of public importance.

I have, &c.

To his Excellency James Douglas, Esq., C.B., (signed) *Edward E. Langford.*
Governor of Vancouver Island,
&c. &c. &c.

Attorney General's Office, Victoria,
2 January 1860.

Sir,

I HAVE been directed by his Excellency the Governor to communicate with you upon the subject of a letter addressed by you to his Excellency, and dated 17th ultimo, I have therefore to request that you will inform me what is the precise object of your letter of that date, whether you make any claim, and against whom, or whether you simply desire to enter a complaint against the colonial surveyor.

I have, &c.

(signed) *George Hunter Cary,*
Edward E. Langford, Esq., J.P. Attorney General, British Columbia
and Vancouver Island.

Sir, Victoria, 3 January 1860.

I BEG to acknowledge the receipt of your letter dated 2d instant, and in reply to inform you that my charges against the surveyor, Mr. Pemberton, addressed to his Excellency the Governor on the 17th ultimo, were specific and required an official investigation, which is what I am seeking for, and should such investigation not be afforded me prior to the departure of the next mail, I shall be compelled to forward my complaint to the Secretary of State for the Colonies.

I have, &c.

G. H. Cary, Esq., Attorney General. (signed) *Edward E. Langford.*

Sir, 10 January 1860.

BEING in town this morning, and not yet having received any reply to a letter which I addressed to you on the 30th ultimo, I should feel obliged if you would have the goodness to inform [me] whether I may expect to receive any further communication from you on the subject of my complaints against the colonial surveyor, Mr. Pemberton.

I have, &c.

To the Attorney General of (signed) *Edward E. Langford.*
Vancouver Island.

Sir, Victoria, 10 January 1860.

I BEG to acknowledge the receipt of your letter of the 10th January, 1860, and have the honour to inform you that I have received and attended to your letter of the 30th ultimo; I have also to inform you that Mr. Joseph Pemberton, the acting colonial surveyor for Vancover's Island, has addressed a letter to his Excellency the Governor, and that I shall have the honour to address the Governor myself upon the subject within the space of this week.

I have, &c.

E. E. Langford, Esq., J.P. (signed) *George Hunter Cary,*
Attorney General.

Sir, 1 February 1860.

I HAVE the honour to forward to you the copy of a letter addressed to me by the Attorney General on the 10th ultimo, and not having received any communication whatever since that period on the subject of my complaints against the acting colonial surveyor, Mr. Pemberton, I now beg most respectfully to call your Excellency's attention to the same.

I have, &c.

To His Excellency James Douglas, Esq., C.B., (signed) *Edward E. Langford.*
Governor of Vancouver Island,
&c. &c. &c.

Colonial Secretary's Office, Victoria, Vancouver Island,
Sir, 4 February 1860.

WITH reference to your letter of the 17th December last, I am desired by his Excellency the Governor to forward to you copy of a letter received from the Attorney General, and also one from the colonial surveyor, on the subject of the complaint made by you in your aforesaid letter.

I have, &c.

E. E. Langford, Esq., (signed) *William A. G. Young,*
&c. &c. &c. Act. Col. Secy.

Sir, Attorney General's Office, Victoria, 26 January 1860.

I HAVE perused the letter of Mr. Langford, dated 17th day of December, 1859, which I enclose herewith; also the reply of the acting colonial surveyor, Mr. Pemberton, dated the 20th day of December 1859, also enclosed herewith; and have the honour to report to your Excellency that the reply made by the acting surveyor general of Vancouver's Island seems to me a sufficient explanation of the matters complained of by Mr. Langford. In the absence of the acting surveyor general, I need not say that I think it undesirable to take any further steps in the matter, and should therefore advise that the matter stand over till his return.

I have, &c,

His Excellency the Governor, (signed) *George Hunter Cary.*
&c. &c. &c.

Sir, Land Office, Victoria, 20 December 1859.

I HAVE the honour to receive your Excellency's command to answer to the complaint of Mr. Langford, touching the disposal of certain lands adjoining the Puget Sound Company's farm at Esquimalt, of which he is the bailiff. The circumstances are briefly as follows: Early in 1858, when land was scarcely marketable, in compliance with the request of Mr. Langford, the agent of the Puget Sound Company, requested me to make certain additions to the farm; this I did to the best of my ability; the land was considered by me sold, and the transaction recorded in the colonial books, the consideration having been in previous similar cases paid, and the deeds (being of a special character) prepared in London. Subsequently, as land rose in value, Mr. Langford made verbal application to purchase some of the same land on his own account, and was refused, as I considered the land sold.

The agent had selected lands similarly situated elsewhere for the Company, which transactions were in due course completed.

In this instance, however, the agent, on examining the ground, contended that I had failed to comply with the instructions given, in omitting certain sections sold subsequently to those instructions, and on that ground refused to complete the purchase.

Under those circumstances there were but two courses open to me; 1st, to compel the Puget Sound Company to purchase the land in question, in which I might not have succeeded; 2d. to throw the land into the market on the same terms as it had been offered to the agent, which I did, and in either case it is difficult to see (as the land is still unsold) how Mr. Langford is the loser. I would, therefore, respectfully submit to your Excellency, that

that the discretionary power which ought to belong to the head of the department, which I have the honour to superintend, has not been in this instance exceeded or misapplied.

I have, &c.
(signed) *Joseph D. Pemberton,*
Colonial Surveyor.

To his Excellency
James Douglas, Esq., C.B., Governor, &c. &c.

Sir, Vancouver Island, 10 March 1860.

I HAVE the honour to acknowledge the receipt of a letter from the Acting Colonial Secretary, dated 4th February, and in reply to inform your Excellency, that the manner in which my complaint against the Acting Colonial Secretary Mr. Pemberton, has been met by you, is, in my opinion so unsatisfactory, that there is left me no alternative but to request that you will have the goodness to forward by the next mail the enclosed correspondence to his Grace the Secretary of State for the Colonies, to whose notice I wish most respectfully to bring the charge I now reiterate; the indifferent character in which the lands' department has been held in the estimation of the public, and the, as I consider, delay and evasion of your Excellency in not affording me, prior to Mr. Pemberton's departure, that open investigation by professional men conversant with the duties of a colonial surveyor, which could alone satisfy the ends of justice or the public, who share my views with respect to the matter in point; an investigation which, there being at your Excellency's command Colonel Moody and other gentlemen versed in professional subjects, I conceive could have been conveniently afforded me.

I have, &c.
(signed) *Edward E. Langford.*

To his Excellency
James Douglas, Esq., C.B., Governor, &c.

MEMORANDUM.

I, PETER WILLIAM WALLACE, M.D., of Edinburgh, at present attached to Her Majesty's screw steam ship "Satellite," solemnly and sincerely declare that I am well acquainted with Edward Edwards Langford, of Colwood Farm, in Esquimault district, Vancouver's Island, and am also acquainted with Joseph D. Pemberton, the Colonial Surveyor of Vancouver's Island, and that I did, on or about the month of July 1858, proceed with the said Edward Edwards Langford to the office, in the town of Victoria, of the said Joseph D. Pemberton; whereupon the said Edward Edwards Langford applied to the said Joseph D. Pemberton for several hundred acres of land in the immediate vicinity of his farm, whereupon the said Joseph D. Pemberton informed the said Edward Edwards Langford that the said land had been taken up and the instalments paid by Mr. Dallas, in proof of which the said Joseph D. Pemberton offered to show his books, whereupon the said Edward Edwards Langford declined, stating at the time to the said Joseph D. Pemberton, "No, your word is sufficient."

Peter W. Wallace, M.D.

Signed and declared before me by the within-named Peter William Wallace, at Victoria, Vancouver's Island, this 20th day of March, A.D. 1860.

Before me, *George J. Wight,*
(L. S.) Notary Public, Victoria, Vancouver's Island.

Commission registered at Dean of Faculty's Office, Doctors' Commons, London.

— No. 2. —

No. 2.
E. E. Langford, Esq., to the Duke of Newcastle, K.G.
18 June 1861.

COPY of a LETTER from *E. E. Langford,* Esq., to His Grace the Duke of *Newcastle,* K. G.

31, Queen's-road, Camden-square, N. W.,
18 June 1861.

My Lord Duke,

I BEG most respectfully to claim your Grace's attention to the statement herewith forwarded; a statement containing complaints of a serious nature against certain Government officials in Vancouver Island.

STATEMENT.

AT the general election that took place in Vancouver Island in January 1860, I was solicited by numerous electors of the town of Victoria to come forward as a candidate to represent them in the Assembly; I acceded to their

 request,

request, and published an address explanatory of my opinion on the affairs of the Colony, founded on the experience of nearly nine years' residence therein, having been nearly the whole of that time a magistrate, and chairman of the sessions.

A few days after my address was published, an anonymous libel (in the shape of a placard) was published and posted in the town, containing insulting allusions to my family, and also defamatory of my private character.

The printer of this libel refused, on being applied to, to give up the names of the authors of the libel; I then, hoping to compel a disclosure of the names of the authors, brought an action against the printer, in the supreme court of civil justice.

The proceedings in court at the trial were of an improper, illegal and vexatious character; and, on my refusing to answer a question which was irrelevant to the statement contained in the declaration, inquisitorial and harsh in its tendency, and which affected the interests of society at large, I was removed from the court in custody of the sheriff; the examination for the defence was carried on in my absence, evidence which I had given on oath was struck out by direction of the Judge, and a nonsuit recorded; I was then brought into court, was sentenced to be imprisoned in the common gaol, and to pay a fine of 10 *l.* I was taken to prison and locked up with felons, Indians and maniacs.

A bill of costs was afterwards sent in by the Attorney General (who acted both as attorney and counsel for the defence) amounting to 90 *l.* 9 *s.* 2 *d.*, which I declined to pay; judgment was then entered up for the amount of the Attorney General's bill of costs, and my furniture and other effects seized under an execution, when, two days prior to the time at which the sale was advertised to take place, I was presented, by a committee of gentlemen, with the sum of 500 dollars, the amount of a subscription raised by the inhabitants of the island for the purpose of enabling me to satisfy the amount of the execution, which I did on the 14th July 1860.

In October last, I accidentally made the discovery that the Attorney General's bill of costs contained items of payment which had never in fact been made; and soon after Captain King, who was the printer of the libel against me, revealed to me the name of the author of the libel; it was Mr. Begbie, Judge of British Columbia; and he further informed me that Mr. Good (then, and I believe now, the private secretary to Governor Douglas) brought the libel, in manuscript, to the printing office; and Captain King further told me that Mr. Good gave him 20 *l.* to pay to the Attorney General, stating that he was to defend the action.

It is my wish that your Grace should distinctly understand that, in bringing the circumstances above mentioned to your notice, it is not my object to seek any pecuniary redress whatever for the ill treatment that I have received, but that it is an official inquiry which I ask for, concerning acts which I believe colonial officials have been guilty of, disgraceful to them in their official capacity; and when your Grace may be satisfied that my complaints are well grounded, I feel assured that such acts as my statement contains would not be allowed to be perpetrated with impunity in any of Her Majesty's colonies, however distant or insignificant.

I have, &c.
(signed) *Edward E. Langford.*

— No. 3. —

No. 3.
E. E. Langford, Esq., to the Duke of Newcastle, K.G.
21 May 1862.

COPY of a LETTER from *E. E. Langford*, Esq., to his Grace the Duke of *Newcastle*, K.G.

49, St. Paul's-road, Camden-square,
21 May 1862.

My Lord Duke,

I HAVE the honour to enclose to your Grace the copy of a letter from the Registrar of the Supreme Court of Demerara, and also the copy of one from the Sheriff Clerk at Perth, giving information concerning Mr. David Cameron, the Chief Justice of Vancouver Island, who is one of the officials whose conduct is complained

complained of in the statement which I had the honour to address to your Grace on the 18th June last, which statement was placed in your Grace's hands by Mr. Charles W. FitzWilliam.

I have, &c.
(signed) *Edward E. Langford.*

Enclosure 1, in No. 3.

Colonial Registrar's Office, Demerara, 24 June 1861. Encl. 1, in No. 3.

Sir,

Your letter addressed to the Colonial Secretary has been received, asking for information as to the bankruptcy of David Cameron; we have no bankruptcy law here, but Mr. David Cameron filed a petition to be adjudged insolvent on the 28th January 1851; there was no opposition, and on the 28th April 1851 the Supreme Court granted a full discharge to the insolvent.

I have, &c.
E. E. Langford, Esq. (signed) *James C. Hitzler,*
Pro Registrar.

Enclosure 2, in No. 3.

Perth, 11 November 1861. Encl. 2, in No. 3.

Dear Sir,

I have to apologize for not sooner answering yours of 10th ultimo, but you will excuse the delay when I tell you that I have for the last few weeks been suffering from indisposition, generally confined to the house, and a good deal to bed, and so prevented from obtaining the information noted below. I cannot discover that D. Cameron obtained any more formal discharge from his creditors than is implied in the fact that certain of his creditors took bills for his composition. By the law of Scotland, although these bills were dishonoured when due, and so rendered the proceedings for recovery necessary, which I showed you, that would not revive the original claim of the creditors to 20 *s.* per pound. William Cameron, the cousin, has made thorough search for the acknowledgment by David, of which he thought he was possessed, without being able to find it, and I have not succeeded in finding any specimen of his handwriting. Mr. Gray had nothing to do with the bankrupt, nor with the creditors, having only acted as notary for the banks at which the bills fell due.

I find, however, that David has two brothers, Charles and John Cameron, who carry on business as bakers in London; their address is 16, Duke-street, Strand.

I regret that I am unable further to satisfy your inquiries, and remain,

Yours, &c.
E. E. Langford, Esq. (signed) *Arch. Reid.*

— No. 4. —

No. 4. C. Fortescue, Esq., M.P., to E. E. Langford, Esq. 31 May 1862.

Copy of a LETTER from *C. Fortescue*, Esq., M.P., to *E. E. Langford*, Esq.

Downing-street, 31 May 1862.

Sir,

I am directed by the Duke of Newcastle to acknowledge the receipt of your letters of the 18th of June 1861 and the 21st of May 1862, containing complaints against certain Government officers in Vancouver Island.

I am to state to you in reply, that any charges which you had to prefer against the administration of justice in Vancouver Island ought either to have been brought forward in the Colonial Legislature, where their justice would have been tested by public discussion, or transmitted through the Governor, in which case he would have taken steps, before referring the charges to the Secretary of State, to give the parties inculpated the opportunity of explanation.

I am to add, that it is wholly impossible for the Duke of Newcastle to take any other steps, on such *ex parte* and imperfect statements as have now been submitted to him, than that of sending your letters to the Governor, with instructions to submit them to Mr. Cameron, Mr. Begbie and Mr. Good, and to forward to his Grace, with his own observations, whatever statements any of those gentlemen may think it necessary to make on the subject.

I have, &c.
(signed) *C. Fortescue.*

— No. 5.—

No. 5.
E. E. Langford, Esq., to the Duke of Newcastle, K. G.
5 June 1862.

COPY of a LETTER from *E. E. Langford*, Esq., to his Grace the Duke of *Newcastle*, K. G.

49, St. Paul's-road, Camden-square, N.W.,
5 June 1862.

My Lord Duke,

I HAVE the honour to acknowledge the receipt of a letter from Mr. Fortescue of the 31st ultimo, in which he states, that any charges that I had to prefer against the administration of justice in Vancouver Island ought to have been brought forward in the Colonial Legislature, or transmitted through the Governor; in reply to these remarks I beg to state, that from the peculiar composition of the small Legislative Assembly of Vancouver Island, an appeal to that body would have been futile, and that from the connexion of Mr. Good and Mr. Cameron with the Governor, I felt that an application to his Excellency would have been also useless.

Mr. Fortescue remarks in his letter, that my statements are imperfect; I must observe, that from the singular nature of those statements, and the position of the persons that they affect, it could scarcely be expected that a complete chain of evidence could be produced in England; but as regards the unfitness of Mr. Cameron, and the impropriety of confiding the supreme judicial authority to his hands, I did think that the copies of the letters from the Sheriff-Clerk at Perth and the Registrar of the Supreme Court in Demerara would have been considered as fairly conclusive. I herewith give the simple facts regarding the Chief Justice, Mr. Cameron, which facts can be proved by persons now living in this country. Mr. Cameron is a man of obscure origin, with no legal education whatever, and a very imperfect general one; he was an uncertificated bankrupt in Scotland, and was some time afterwards discharged as an insolvent debtor in Demerara, shortly before arriving in Vancouver Island. But for the impropriety of such a person as Mr. Cameron holding such a high and responsible office, it is extremely unlikely that I should ever have had to lay such grievances before your Grace.

I can most unhesitatingly assert that the purity of justice has been entirely overthrown in Vancouver's Island, rendering the proceedings in the law courts in the Colony the theme of scorn and derision among the colonists, as also throughout the American territories in the Pacific.

I have felt disappointed at the delay that has taken place in instituting even the preliminary inquiries now about to be made, the treatment that I received at Vancouver having been to me fraught with serious loss and inconvenience.

It is important for me to remark that no allusion to Mr. Cary, the Attorney General of Vancouver Island, is made by Mr. C. Fortescue: the charge against Mr. Cary is, that he committed a fraud in his professional capacity, and from which I know that he could not exculpate himself before a qualified and impartial judge.

I have, &c.
(signed) *Edward E. Langford.*

— No. 6. —

No. 6.
C. Fortescue, Esq., M.P., to E. E. Langford, Esq.
21 June 1862.

COPY of a LETTER from *C. Fortescue*, Esq., M.P., to *E. E. Langford*, Esq.

Sir,

Downing-street, 21 June 1862.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 5th instant, and to acquaint you that a copy of it, as of all your previous communications, has been forwarded to the Governor of Vancouver Island for his report.

I am, &c.
(signed) *C. Fortescue.*

— No. 7. —

No. 7.
E. E. Langford, Esq., to the Duke of Newcastle, K. G.
20 February 1863.

COPY of a LETTER from *E. E. Langford*, Esq., to His Grace the Duke of *Newcastle*, K. G.

13, Mornington Crescent, Regent's Park,
20 February 1863.

My Lord Duke,

I WAS informed by Mr. Chichester Fortescue, by a letter dated 21 June 1862, that a copy of all my communications relating to my charges against certain officials in Vancouver Island had been forwarded to the Governor of that Colony for his report; I am now desirous of being made acquainted whether any communication on the subject has been received from Governor Douglas, and, if so, I beg to request that a complete copy of the same may be forwarded to me.

I have, &c.
(signed) *Edward E. Langford*,

His Grace the
Duke of Newcastle, K. G.
&c. &c.

— No. 8. —

No. 8.
T. F. Elliot, Esq., to E. E. Langford, Esq.
6 March 1863.
* *See* above.

COPY of a LETTER from *T. Frederick Elliot*, Esq., to *E. E. Langford*, Esq.

Sir,

Downing-street, 6 March 1863.

I AM directed by the Duke of Newcastle to acquaint you, in reply to your letter of the 20th February,* that a Despatch has been received from Governor Douglas in answer to the communication addressed to him in consequence of your letter of the 21st May 1862, but that this Despatch does not enable his Grace to come to any decision respecting the subjects adverted to in your letter.

I have, &c.
(signed) *T. Fred^k Elliot.*

— No. 9. —

No. 9.
Sir F. Rogers, Bart., to E. E. Langford, Esq.
23 April 1863.
* Page 7.

COPY of a LETTER from Sir *F. Rogers*, Bart., to *E. E. Langford*, Esq.

Sir,

Downing-street, 23 April 1863.

ON the 18th of June 1861,* you left at this office a letter purporting to prefer charges against certain officials in Vancouver Island and British Columbia, and you shortly afterwards stated, orally, that it was your intention to send to this department some further documents connected with these charges. Those further documents were received on the 21st of May 1862, when both letters were forwarded to the Colony for the report of the Governor. That report has been received, and the Duke of Newcastle is now in a position to answer your letter.

Your personal complaints relate to an electioneering placard published in Victoria in 1859–60, and alleged by you to be libellous.

You complain that having brought an action for libel against the printer of this placard, and having refused in court to answer a question which you considered irrelevant, you were committed for contempt.

On this point I am directed by his Grace to say that he does not feel justified in assuming that you were wrongly committed.

You complain that the Attorney General, who acted as attorney for the defendant in the trial, charged you in the bill of costs with payments which he had not made.

With regard to this point Mr. Cary alleges (and the Duke of Newcastle has no reason to doubt his allegation), that he had nothing to do with the receipt and disbursement of the costs recovered from you.

Lastly, on the authority of Mr. King, the printer of the placard (who it appears is since dead), you connect with its publication the chief justice and the private secretary to the Governor of the neighbouring Colony of British Columbia. The Duke of Newcastle, on a full consideration of the case, does not think it advisable to pursue an inquiry respecting the authorship of a placard published during the heat of an electioneering contest in 1859 or 1860.

If you thought yourself aggrieved by such a placard, your proper course was that which you pursued; namely, to bring an action for libel. If that action had

had shown that the placard was essentially false or malicious, it might have become the duty of the Government to inquire whether any Government officer was concerned in it; but as, apparently by your own fault, the action broke down, the Duke of Newcastle thinks it unnecessary and undesirable that a matter thus disposed of should be now taken up by the Government here.

I have, &c.
(signed) *F. Rogers.*

— No. 10. —

No. 10.
E. E. Langford, Esq., to the Duke of Newcastle, K.G.
27 April 1863.

COPY of a LETTER from *E. E. Langford*, Esq., to his Grace the Duke of *Newcastle*, K. G.

13, Mornington Crescent, Regent's Park,
27 April 1863.

My Lord Duke,

I HAVE the honour to request that I may be furnished with copies of any statements that may have been made by Mr. Cameron, Mr. Cary, Mr. Begbie and Mr. Good, in reply to my charges against those officials; also with a copy of Governor Douglas's report in the matter.

Accompanying my letter of the 18th June 1861 to your Grace, were some memoranda (of which I now forward a copy), also several other documents, of which I beg particularly to request that the undermentioned may be returned to me; viz., office copy of bill of costs in the action Langford *v.* King, and a letter dated 19 June 1860, applying for payment to Mr. Cary.

I have, &c.
(signed) *Edward E. Langford.*

Enclosure in No. 10.

Encl. in No. 10.

MEMORANDA.

1. ADDRESS to Electors.
2. The libel, with copy of Mr. Dallas's letter appended.
3. I have no evidence as to what took place in court in the trial beyond my own statement, but in corroboration I would refer to the recorded proceedings of the court, and the judge's notes, which I presume should still be in existence; I considered it necessary to make a statement of the facts in order to give an intelligible account of the circumstances, out of which the main charge against Mr. Attorney General Cary arises.
4. Office copy of the bill of costs in the action Langford *v.* King, accompanied by a letter dated 19th June 1860, applying for payment of the amount to Mr. Cary; having regard to the fact that the bill of costs was the bill of Mr. Cary himself, charges marked A. in the bill were improper, the payments marked B. were impossible, and the payments marked C. were never made; Mr. M'Kenzie and Mr. Munro, who are each alleged to have received 2*l.* 2*s.*, informed me that they had never received anything; both of these persons are still living in Vancouver Island.
5. Captain King, the printer of the libel, has died since the occurrence in question; in his lifetime he informed,* in the presence of Dr. Wallace, surgeon in charge of Her Majesty's Naval Hospital in Vancouver, of the facts referring to the authorship of the libel which are set forth in my statement, and which facts cannot be denied by the parties implicated, if they be questioned upon the subject.

* *Sic.*

E. E. L.

— No. 11. —

No. 11.
C. Fortescue, Esq., M.P., to E. E. Langford, Esq.
7 May 1863.

COPY of a LETTER from *C. Fortescue*, Esq., M. P., to *E. E. Langford*, Esq.

Sir,

Downing-street, 7 May 1863.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 27th ult., and to acquaint you that his Grace does not consider it necessary or advisable to furnish you with copies of any of the reports received from the Governor of Vancouver Island with reference to your letter of the 18th of June 1861.*

* Page 7.

I am further to inform you that your letter of that date does not purport to contain any enclosures, and the Duke of Newcastle cannot find that the documents for which you apply were ever received at this office.

I am, &c.
(signed) *C. Fortescue.*

231

Correspondence between the Colonial Department and Governor Douglas.

— No. 1. —

(No. 14.)

COPY of a DESPATCH from Governor *Douglas*, C.B., to His Grace the Duke of *Newcastle*, K.G.

No. 1.
Governor Douglas, C.B., to the Duke of Newcastle, K.G.
23 March 1860.

Victoria, Vancouver's Island,
23 March 1860.
(Received, 12 May 1860.)
(Answered, No. 28, 26 July 1860, page 16.)

My Lord Duke,

I HAVE the honour to forward to you herewith a letter which was delivered to me yesterday for transmission to your Grace, from Mr. E. E. Langford, a bailiff in the service of the Puget Sound Agricultural Company, residing upon and in charge of one of their farms in Vancouver Island.* Enclosure No. 1.

2. The tenor of the letter itself, and the correspondence which it covers, render report from me almost unnecessary; but as Mr. Langford reflects upon the integrity of the land office in this Colony, as well as upon my own course of action in connection with the complaint he made to me, it may not be inconvenient that I should lay before your Grace a *résumé* of the subject, with such comments as may appear necessary.

3. On or about the 17th December 1859, I received a letter from Mr. Langford, complaining of the unjust, partial, and improper conduct of the Colonial Surveyor with regard to a circumstance which occurred in the summer of the preceding year, and requesting an early investigation thereof. I was somewhat surprised at this application, made one year and a half after the transaction alluded to; but as it was known that Mr. Pemberton, the Colonial Surveyor, was about to leave the Colony to proceed to England, and as a general election was pending, Mr. Langford himself being a candidate, and having in his address to the electors distinguished himself by the display of an unusual degree of animosity to myself personally as Governor, and to the Government of the Colony generally, I had not much difficulty in surmising the true object of the application. I, nevertheless, instantly investigated the matter, and called upon Mr. Pemberton for a report, which he forthwith made to me; but I could elicit nothing which seemed to require that I should take further steps than to furnish Mr. Langford with a copy of Mr. Pemberton's report.

I placed the matter in the hands of the Attorney General, who perfectly coincided with me in this conclusion, but I instructed him to enter into communication with Mr. Langford, with the view of ascertaining, if possible, what was the precise object of his application.

4. I forward a copy of Mr. Langford's letter of complaint, together with Mr. Pemberton's report thereupon; and I conceive that every point alluded to by Mr. Langford is fully met by Mr. Pemberton. Mr. Langford avows in his letter that he was desirous of purchasing a certain tract of land for purposes of speculation, but that Mr. Pemberton informed him that the land had been sold, and the instalment paid. Enclosure No. 2. Enclosure No. 3.

Mr. Pemberton replies that early in 1858, when land was scarcely marketable, Mr. Dallas, the agent of the Puget Sound Company, applied for, and selected certain tracts of land lying contiguous to a farm already belonging to the Company, and that, in consequence, the land required was reserved, but that afterwards, when Mr. Dallas examined the ground, he refused to complete the purchase,

* Mr. Langford's Letter, of 10 March 1860, to the Duke of Newcastle, will be found at page 3.

purchase, upon the plea that certain portions selected had been omitted. Mr. Pemberton thereupon remarks that but two courses remained open to him, either to compel the agent of the Puget Sound Company to complete the purchase, or to throw the land into the market; and as it might have been difficult to succeed in the former, he adopted the latter; and as the land at the date of his letter was still unsold, Mr. Langford could have no just cause of complaint, for if he wished to purchase, it was still open to him to do so.

5. Mr. Langford asserts, Mr. Pemberton informed him that the instalment had been paid upon the land, and he supports his assertion by the affidavit of a bystander, who further affirms that Mr. Pemberton offered to show his books in proof thereof. This is positively denied by Mr. Pearce, the Assistant Colonial Surveyor, who was present at the time, and states he "distinctly recollects" the whole occurrence. The Colonial Surveyor "did not tell Mr. Langford that the first instalment had been paid," but simply "that the land was sold." Apart from this, I must remark that it appears to me a circumstance scarcely credible that the Colonial Surveyor should offer the official books for inspection to any chance purchaser of land, as Mr. Langford was, or that he should volunteer information regarding the payments made.

6. From the investigation instituted by me upon Mr. Langford's complaint, I ascertained one or two other points which it may be as well to mention. I would in the first place observe that before the gold excitement in 1858, we had great difficulty in disposing of land in Vancouver's Island, and every facility was given to an intending proprietor to induce him to purchase, and it was customary for the Colonial Surveyor himself to proceed to the spot to exhibit the land, and to assist in its selection. Having done so in this particular instance, and the agent of the Puget Sound Company having agreed to purchase the land, I consider the surveyor was justly entitled to regard it as sold, although the land was not surveyed. It was upon the land being surveyed, subsequent to Mr. Langford's application, and finding the boundaries did not exactly accord with the position roughly designated by Mr. Pemberton (an acre and a half was, I believe, about the difference), that the agent of the Puget Sound Company refused to take the land. That the transaction was a *bonâ fide* one, so far as the Colonial Surveyor is concerned, is indisputable, for I have examined the office books, and there is the cancelled instalment paper which was made out at the time the land was surveyed, with the current number upon it.

7. If Mr. Langford felt himself injured by Mr. Pemberton's conduct, or that an unlawful action had been committed, why did he not have recourse to legal measures to obtain redress; or why did he not bring the matter to notice at an earlier date?

8. I trust your Grace will pardon my trespassing thus long upon your time, but I have been somewhat full in my report, as I have to address your Grace in a further Despatch upon another matter, in which this present complaint will be referred to.

I have, &c.
(signed) *James Douglas.*

Enclosure 1, in No. 1.

Encl. 1, in No. 1. *E. E. Langford*, Esq., to Governor *Douglas*.

Sir, Vancouver Island, 10 March 1860.

I HAVE the honour to acknowledge the receipt of a letter from the acting Colonial Secretary, dated 4th February, and in reply, to inform your Excellency that the manner in which my complaint against the acting Colonial Surveyor, Mr. Pemberton, has been met by you is, in my opinion, so unsatisfactory, that there is left me no alternative but to request that you will have the goodness to forward by the next mail the enclosed correspondence to his Grace the Secretary of State for the Colonies, to whose notice I wish most respectfully to bring the charge I now reiterate, the indifferent character in which the Lands Department has been held in the estimation of the public, and the, as I consider, delay and evasion of your Excellency in not affording me, prior to Mr. Pemberton's departure, that open investigation by professional men, conversant with the duties of a Colonial

Colonial Surveyor, which could alone satisfy the ends of justice, or the public who share my views, with respect to the matter in point; an investigation which, there being at your Excellency's command Colonel Moody and other gentlemen versed in professional subjects, I conceive could have been conveniently afforded me.

I have, &c.
(signed) *Edward E. Langford.*

Enclosure 2, in No. 1.

E. E. Langford, Esq., to Governor *Douglas.* Encl. 2, in No. 1.

Sir, Vancouver Island, 17 December 1859.

I BEG to complain to you of the unjust, partial, and improper conduct of the Colonial Surveyor, with regard to the disposal of the Crown lands.

The particulars of the complaint which I now most respectfully submit to you are as follows:

In the summer of 1858 I applied to the Colonial Surveyor to purchase a certain tract of land, but was informed that the land I wanted (about 200 or 300 acres), and also a quantity adjoining, amounting in all to about 1,200 acres, had been purchased by Mr. Dallas, either on his own account or on that of the Puget Sound Company, and that the necessary instalments had been paid. On learning this, I felt disappointed (but had then no cause of complaint), as, in common with every one in the Colony, I was anxious, in a legitimate manner, to realize something after a long residence on Vancouver's Island, barren as to any pecuniary advantage. I could at the time when I applied for it have re-sold the land at five times the cost price. Now, the land I have mentioned was never duly disposed of, as stated by the surveyor, has never been either occupied or improved in any way, but has been unjustly withheld from the market, to my injury as an individual, and possibly also to the interests of the Colony.

I beg most respectfully to request that your Excellency will cause an early investigation of my complaint, as I hear that the surveyor is soon about to depart for England.

I have, &c.
(signed) *Edward Edwards Langford.*

Enclosure 3, in No. 1.

Joseph J. D. Pemberton, Esq., to Governor *Douglas.* Encl. 3, in No. 1.

Sir, Land Office, Victoria, 20 December 1859.

I HAVE the honour to receive your Excellency's command to answer to the complaint of Mr. E. E. Langford, touching the disposal of certain lands adjoining the Puget Sound Company's farm at Esquimalt, of which he is bailiff.

The circumstances are briefly as follows:

Early in 1858, when land was scarcely marketable, in compliance with the request of Mr. Langford, the agent of the Puget Sound Company, requested me to make certain additions to the farm; this I did to the best of my ability.

The land was considered sold, and the transaction recorded in the Colonial Books, the consideration having been, in previous similar cases, paid, and the deeds (being of a special character) prepared in London.

Subsequently, as land rose in value, Mr. Langford made verbal application to purchase some of the same land on his own account, and was refused, as I considered the land sold. The agent had selected lands similarly situated elsewhere, for the Company, which transactions were in due course completed. In this instance, however, the agent, on examining the ground, contended that I had failed to comply with the instructions given, in omitting certain sections sold subsequently to those instructions, and on that ground refused to complete the purchase.

Under these circumstances, there were but two courses open to me:

1st. To compel the Puget Sound Company to purchase the land in question, in which I might not have succeeded. 2d. To throw the land into the market on the same terms as it had been offered to the agent, which I did; and in either case, it is difficult to see (as the land is still unsold) how Mr. Langford is the loser.

And I therefore respectfully submit to your Excellency, that the discretionary power which ought to belong to the head of the department which I have the honour to superintend, has not been in this instance exceeded or misapplied.

I have, &c.
(signed) *Joseph J. D. Pemberton,*
Colonial Surveyor.

No. 2.
Secretary of State to Governor Douglas, C. B.
26 July 1860.
* Page 13.

— No. 2. —

(No. 28.)

COPY of a DESPATCH from the Secretary of State to Governor *Douglas*, C. B.

Sir, Downing-street, 26 July 1860.

I HAVE received your Despatch of the 23d March, No. 14,* forwarding a letter, with several enclosures, from Mr. E. E. Langford, containing a complaint against the Surveyor of Vancouver Island, and reflections upon yourself, on account of an application which had been made by Mr. Langford for leave to purchase a certain lot of land in Vancouver Island.

You will have the goodness to inform Mr. Langford that I have carefully perused all the documents submitted to me upon this transaction, and that I am unable to find any cause for blame in Mr. Pemberton's conduct. Neither do I see that you showed any want of readiness in investigating the case when your notice was called to it, or that blame is attributable to you for the delay which occurred in communicating the answer of Mr. Pemberton to Mr. Langford.

I have, &c.
(signed) *G. C. Lewis.*

No. 3.
Duke of Newcastle, K. G., to Governor Douglas, C. B.
2 June 1862.

18 June 1861, p. 7.
21 May 1862, p. 8.

— No. 3. —

(No. 101.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to Governor *Douglas*, C. B.

Sir, Downing-street, 2 June 1862.

I HAVE the honour to transmit to you copies of two letters which I have received from Mr. Edward E. Langford, containing allegations affecting certain Government officers in Vancouver Island, and the administration of justice in that Colony.

I have to request that you will submit these statements to Mr. Cameron, Mr. Begbie, and Mr. Good, to whom they refer, and that you will forward to me, together with your own observations, whatever explanations these gentlemen may have to offer on the subject.

* Pages 37-38.

Upon referring to your Despatches in 1854,* I find no allusion to the circumstances affecting Mr. Cameron, as detailed in the enclosures to Mr. Langford's letter of the 21st of May last.† On this point I wish to receive a report from you, explaining how far this gentleman's antecedents were known to you; and if they are correctly stated by Mr. Langford and his correspondents, how it happened that you took no notice of them at the time you recommended him for the Acting Chief Justiceship.

† Page 8.

I observe that this appointment, when created, was regarded by you as a mere temporary expedient, and as I am of opinion that the time is approaching when it will be necessary that Vancouver Island should receive the services of a professional judge, I should, therefore, wish you to bring the question of making provision for his remuneration before the local legislature.

I have, &c.
(signed) *Newcastle.*

No. 4.
Duke of Newcastle, K. G., to Governor Douglas, C. B.
19 June 1862.
* Page 16.

— No. 4. —

(No. 106.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to Governor *Douglas*, C. B.

Sir, Downing-street, 19 June 1862.

WITH reference to my Despatch, No. 101,* of the 2d instant, I transmit to you a copy of a further letter from Mr. Edward E. Langford, and I have to instruct you

you to submit the statement affecting Mr. Cary, the Attorney General of Vancouver Island, to that gentleman, for any observations which he may have to make upon it. 5 June, p. 10.

I have, &c.
(signed) *Newcastle.*

— No. 5. —

(No. 44.)

No. 5.
Governor Douglas, C.B., to the Duke of Newcastle, K.G.
23 August 1862.

COPY of a DESPATCH from Governor *Douglas*, C.B., to His Grace the Duke of *Newcastle*, K.G.

Victoria, 23 August 1862.
(Received, 10 October 1862.)

My Lord Duke,

I HAVE the honour to acknowledge receipt of your Grace's Despatch, No. 101, of the 2d June last, referring for report copy of letters from Mr. E. E. Langford, formerly a resident of Vancouver Island, containing complaints against certain of the officers connected with my Government; and I have also the honour to acknowledge receipt of your Grace's Despatch, No. 106,* of the 19th June, transmitting, for the same purpose, copy of a further letter of complaint from Mr. Langford upon the same subject. * Page 16.

2. I have, in accordance with your Grace's instructions, called upon the officers concerned for any remarks they may have to offer in respect of the allegations of Mr. Langford, and so soon as I receive their replies, I will forward them to your Grace, with such report thereon as the circumstances of the case may require. Mr. Begbie, the judge of British Columbia, one of the gentlemen inculpated by Mr. Langford, is absent on circuit, and by last accounts was at Carribou; it may therefore be some time before I can hear from him.

3. With respect to the latter portion of your Despatch of the 2d June,† which refers especially to Mr. Cameron, the chief justice of Vancouver Island, I will take an early opportunity of placing before your Grace all the circumstances in connection with the appointment of Mr. Cameron. I may, however, at present mention that, so far as I am aware, Mr. Cameron performs his duties with much ability, and his decisions give general satisfaction. Individually, I believe him to be much respected throughout the Colony. The allegations of Mr. Langford in regard to the administration of justice in Vancouver's Island, I have no hesitation in at once pronouncing to be unfounded. I hear for the first time that "the proceedings in the law courts of the Colony are the theme of scorn and derision amongst the colonists." Had such a state of things existed, I must have known it; and I think I should, in such case, long ago have put an end to it. I did indeed once receive a letter of complaint against Mr. Cameron from Mr. Langford, and in that he asserted that "life and liberty had been illegally sacrificed and jeopardised, and the ends of justice defeated;" but as the allegation was merely a general one, and as I found, on inquiry, that just at that time Mr. Langford had been very properly committed by Mr. Cameron for a gross contempt of court, the cause of this letter, as well as its object, was so evident, that, anxious as I may be that no just complaint should go unnoticed, I yet felt that in this case it would be most inexpedient for me to interfere. † Page 16.

4. Mr. Langford is the same person who brought the complaint against Mr. Pemberton, the Colonial Surveyor General, for unjust, partial, and improper conduct in respect of the sale of some land, which complaint I forwarded to your Grace in my Despatch, No. 14,‡ of the 23d March 1860. Mr. Pemberton was fully exonerated from the charge, as will be seen by the Secretary of State's Despatch, No. 28,§ of the 26th July 1860. I would respectfully request your Grace's attention to both these Despatches, as serving to give some insight into Mr. Langford's character, and to throw some light upon his present proceedings. ‡ Page 13. § Page 16.

I have, &c.
(signed) *James Douglas.*

— No. 6. —

No. 6.
Governor Douglas, C.B., to the Duke of Newcastle, K.G. 14 February 1863.

(No. 3.)

COPY of a DESPATCH from Governor *Douglas*, C.B., to his Grace the Duke of *Newcastle*, K.G.

Victoria, 14 February 1863.
(Received, 14 April 1863.)

My Lord Duke,

* Page 22.

12 Sept. 1862.

† Page 16.

IN connexion with my Despatch of this date, No. 4,* and referring to your Despatch, No. 106† of the 19th June 1862, I have the honour to transmit herewith the report I have received from Mr. G. H. Cary, the Attorney General of this Colony, in reply to the charges brought against him by Mr. Langford.

2. The evidence Mr. Cary produces appears so satisfactorily to clear him from Mr. Langford's imputations, and so forcibly to expose the character of Mr. Langford, that it does not seem to me necessary to trouble your Grace with further remark.

I have, &c.
(signed) *James Douglas.*

Enclosure in No. 6.

Encl. in No. 6.

The Attorney General to the Colonial Secretary.

Attorney General's Office,
12 September 1862.

Sir,

IN reply to your letter of the 27th of August 1862, enclosing a letter addressed to the Duke of Newcastle by a person named Edward E. Langford, and calling upon me to furnish, at my earliest convenience, any observations which I might have to offer in the matter, I have the honour to inform you, for his Excellency's information, that the charge laid against me is in general terms, without allusion to any facts which would enable me to ascertain the particular matter complained of.

In the month of January 1860, I was practising as a barrister in the Supreme Court of Civil Justice of Vancouver Island, and about that time was specially retained to act as counsel for Edward Hammond King, in an action of libel instituted against him by one Edward E. Langford.

At that time the professions had not been separated, and I acted (nominally only) as attorney in the cause.

The cause, so far as the attorney's part of the business was concerned, was conducted on behalf of the defendant by Mr. Drake, a solicitor of the court, whom I instructed in that behalf, and I performed the ordinary duties of counsel only.

On the 16th day of April 1860, the trial was had, and I succeeded in nonsuiting the plaintiff, who delined to stand the test of cross-examination, and was committed for contempt.

Upon obtaining the nonsuit my duties ceased, and I had nothing to do, and did not (except in one instance) interfere in any way with the subsequent proceedings in the cause, which were conducted to their legitimate termination by the attorney for the defendant.

This instance was my requesting Mr. Drake to give Langford every possible opportunity of avoiding the annoyance of a seizure, and I intervened upon that occasion at the instance of the Sub-sheriff Culverwell, who requested me so to do, I believe at the request of Langford.

In the month of November 1860, to my utter astonishment, I was served with a summons to appear in the magistrate's court to answer a charge made by one E. E. Langford against me for obtaining money from him on false pretences.

I have procured from the magistrate a copy of the depositions in the case, which was dismissed.

The charge is, that I obtained two guineas as a witness' fee by fraudulent pretences.

On reference to the depositions, it will be found that Mr. Drake was the recipient of eight guineas received for witnesses' fees under the execution; that Mr. Drake paid over the whole amount to one John Miles on account of himself and the three other witnesses; and that by mutual arrangement between the witnesses the fees were offered to be paid back again to the person named Langford, who refused to accept them; and that by the like mutual arrangement these fees were presented as a contribution to the hospital.

It will also be seen that the person named Langford well knew all these facts at the time of swearing his first deposition.

As soon as the charge was dismissed, I preferred a charge against the former complainant for perjury, and at the earnest request of several country gentlemen reluctantly withdrew it; these

these gentlemen pressing upon me the imminent peril in which Mrs. Langford's life would be placed were I to proceed, and urging that she was then in great danger from illness of a grave character.

I declined withdrawing the charge, however, until I had consulted with my friend, Mr. Donald Fraser, who subsequently advised me to take no further notice of the matter.

Had I prosecuted the charge for perjury, Langford would have been inevitably convicted, as the most casual perusal of the depositions will show.

I can only regret that my absence from England prevents my bringing the complainant to the punishment suited to him for such a malignant libel on my professional character.

I have, &c.
(signed) *George Hunter Cary.*

William A. G. Young, Esq., Colonial Secretary,
&c. &c. &c.

EDWARD E. LANGFORD, being duly sworn, and his Information having been read, says it is true.

Cross-examined by Mr. *Cary.*—I was not offered eight guineas to be returned. John Miles never offered to return to me eight guineas, to the best of my belief. He told me he had a sum of money to give me, which he had received as a witness. This offer was made to me on the 12th day of June, as near as I can remember, and before I filed the protest.

I have had a conversation with Mr. Munroe previous to making this charge. Mr. Munroe was walking up the bush with me near Mr. Cameron's house, about a week or ten days ago, before the institution of this charge. I asked Mr. Munroe if he received two guineas for that trial, Langford *v.* King; he said "No." I asked him if that money was ever tendered; he said "No;" and he said "I was asked about two days after the trial, I think by Mr. Drake, what my charge was for attending as a witness;" he said "I told him nothing, nor would I take anything." I never told Mr. Munroe that the whole money had been paid to the hospital. I may have said so since the information.

I believe that you had received the money, because I paid it to the sheriff. I was informed the money was paid into your office. I will not swear what the sheriff said that day.

I did not think it necessary to ask if the money was paid to Mr. Drake or not. I paid that money from money that was presented to me for the purpose of paying the expenses of that suit. I knew previous to to-day that the money was paid to the hospital. I was not aware that the offer made by John Miles was made with reference to whole expenses of witnesses. He did not state any particular sum. I believe it was on or about the 12th day of June. I gave Miles to understand that I refused to take the money in the most peremptory manner.

(signed) *Edward E. Langford.*

WILLIAM CULVERWELL, being duly sworn, says,—

Cross-examined by Mr. *Cary.*—I put an execution into your house by order of the Supreme Court; the writ was given to me by Mr. Drake; I told Mr. Cary that Mr. Langford wanted the sale postponed; Mr. Cary said he would be willing to oblige Mr. Langford.

(signed) *W. Culverwell.*

W. CULVERWELL re-called.

By Mr. *Langford.*—I remember coming to you on the 14th day of July; I remember seeing you pay Mr. Naylor about the sum of 97 *l.* 15 *s.* 5 *d.*; I believe I went with Mr. Naylor to Mr. Drake, and Mr. Naylor paid Mr. Drake the money; I cannot swear that no receipt was given; I did not see Mr. Drake take a pen in hand.

(signed) *W. Culverwell.*

WILLIAM BROOKE NAYLOR, being duly sworn,—

By Mr. *Cary.*—I received the money, 97 *l.* 15 *s.* 5 *d.*; I paid Sheriff Heaton his fees, and I paid the remainder to Mr. Drake: I took no receipt from Mr. Drake; Mr. Culverwell was in Mr. Drake's office at the time; I informed Mr. Langford that I paid Mr. Drake the money last Monday, before these proceedings were commenced. The only person I had dealings with in this matter was Mr. Drake; I had nothing to do with Mr. Cary; I did not know that Mr. Cary had anything to do with the execution; Mr. Langford could not have helped hearing me say that I had paid Mr. Drake the money.

(signed) *Wm. Brooke Naylor.*

KENNETH M'KENZIE, being duly sworn, says,—

I was offered the sum of two guineas; I did not receive it.

I have no recollection of the time it was since the trial; I was in my own parlour at the time.

Mr. Miles offered me the money; I never spoke to Mr. Cary about it; I offered to do whatever Mr. Munroe did; Munroe and I agreed that if Mr. Langford would not take the money, it should be given to the hospital. I do not know when it was; it was after the trial; I cannot swear if it was before or after the 12th of June. I do not know whether that money was paid to the hospital; I made no further inquiry about it.

(signed) *K. M'Kenzie.*

THOMAS G. WILLIAMS, being duly sworn, says,—

The copy of the judge's order (now produced) was issued from the Supreme Court. The copy produced is a certified copy of the defendant's bill of costs. I cannot remember who filed the copy.

Cross-examined by Mr. *Cary.*—I attended the taxation of costs personally. You did not attend the taxation of costs. Mr. Drake attended the taxation of costs.

The custom is to notify the defendant to attend, and he attends, or not, as he likes. The voucher produced was shown to me at the taxation of costs.

By Mr. *Cary.*—The bill of costs must of necessity be taxed previous to execution.

By Mr. *Langford.*—I invariably tax bills of costs when they are brought to me to be taxed. This bill of costs was laid before the chief justice.

(signed) *Thomas G. Williams.*

EDWARD H. KING, being duly sworn, says,—

I saw the bill of costs now produced in the registrar's office for the first time in the hands of Mr. Drake. Mr. Cary was most decidedly my attorney in the case of Langford *v.* King. I did not order any witnesses to be summoned on the trial. I never gave any instructions as to how the case was to be conducted. I never ordered Mr. Munroe to be summoned; I never employed anyone else in the trial but Mr. Cary; I did not know that these witnesses would be of any benefit to me.

(signed) *E. Hammond King.*

E. H. KING re-called.

I most decidedly believe that no one except Mr. Cary had anything to do with the case until long after the trial.

By Mr. *Cary.*—Mr. Drake was sitting in court with the papers. I had some conversation with Mr. Drake during the trial.

(signed) *E. Hammond King.*

A. G. DALLAS, being duly sworn, says,—

I received two guineas as a witness in the case of Langford *v.* King. I received it from Mr. Miles; I think it was about a week or ten days after the trial; I told Mr. Miles to hand it over to the hospital.

(signed) *A. G. Dallas.*

ALEXANDER MUNROE, being duly sworn, says,—

I never received the sum of two guineas in the case of Langford *v.* King; I think it was never tendered me. Mr. Drake asked me what my expenses were as a witness; I said I had not been put to any expense in the matter. Mr. Drake said I was entitled to two guineas as a fee; I said I did not want to have any fee. The money was never offered to me after that: a few days after that, Mr. Drake said that my two guineas had been paid to Mr. Miles. On that occasion I added that I did not want any fee; I never asked Mr. Miles for it; I never spoke to Mr. Miles on the subject.

By Mr. *Pemberton.*—I never had any understanding with Mr. M'Kenzie about the disposal of the fee. I did not intend to have any fee. This occurred shortly after the trial.

By Mr. *Cary.*—If Mr. M'Kenzie or Mr. Dallas had authorised Mr. Miles to give Mr. Langford back that money, I should have felt bound by their decision. If Mr. M'Kenzie

or

or Mr. Dallas had authorised Mr. Miles to pay that money to the hospital after offering it to Mr. Langford, I should have felt bound by that decision. I meant that I did not mean personally to enjoy it. I never had any interview with Mr. Cary. Mr. Drake served me with the summons to attend.

By Mr. *Langford.*—After I was told the money was in Mr. Miles' hands, I never troubled myself any more about it. I intended it should not be charged to Mr. Langford.

(signed) *Alexander Munroe.*

M. W. T. Drake, being duly sworn, says,—

The sheriff paid me the amount of the bill of costs in the case of Langford *v.* King from the sheriff. Mr. Cary, I feel certain, knew that the money was paid. I paid Mr. Cary his fees out of the sum.

By Mr. *Cary.*—After the trial of the case the professions were separated, and I became attorney in the case.

When the professions were separated I entirely conducted the case; I did not know Mr. Cary in it.

I did the whole of the solicitor's business in the case, and Mr. Langford's attorney attended on the taxation.

I acted as attorney in the case, under Mr. Cary's instructions, from the beginning. I caused the witnesses to be subpœnaed. I caused Munro, Dallas, M'Kenzie and Miles to be subpœnaed in consequence of information I gained while getting up the case for trial. Mr. Cary was only concerned in the case as counsel in court. I got up the brief. Among other costs there are fees for four witnesses; I paid the money to John Miles previous to the final taxation of costs. Mr. Dallas was absent at the time, and I thought it would be better to pay the costs to one man. Mr. Langford's counsel attended the taxation of costs, and did not object to anything in the bill of costs.

From the hearing of the cause down to the present time Mr. Cary has had nothing to do with the costs, nor did he know one single word about it. The person who filled the place of counsel filled that of attorney too.

Mr. Cary informed me I was to act as attorney in the case to get up the case. I fancy I had some casual conversation with Mr. King. I attended in court. Mr. Cary, I think, could not make a bill of costs. Mr. King was aware of my position, because he ordered me not to pay some of the money.

Mr. Cary had nothing to do with the costs whatever. I received the money, and paid the money to Mr. Miles. The note produced is in my handwriting, signed for Geo. H. Cary. Mr. John Miles was a witness. Mr. Wight raised no objection to the money being paid to one witness.

I was not employed by Mr. King. I never received any instructions from Mr. King. No one told me to summon those witnesses. I summoned them as the attorney, it being my place to get up the case in the best way I could.

I know the handwriting of the letter produced; it is Mr. Cary's. I was here on the 25th of January. I did the whole of the solicitor's business after the plea was filed.

(signed) *M. W. Tyrwhitt Drake.*

Information.

District of Vancouver Island and its Dependencies, to wit. } The information of Edward Edwards Langford, of Colwood, near Esquimalt, in the district aforesaid, taken this 1st day of November in the year of our Lord 1860, before me, Augustus F. Pemberton, Esq., one of Her Majesty's justices of the peace for the said district of Vancouver Island and its dependencies, who, being sworn upon his oath, saith: A judgment and execution was issued against me for the sum of 90*l.* 9*s.* 2*d.* or thereabouts, being the amount of a bill of costs charged by George Hunter Cary, acting as attorney and barrister for the defendant in an action Langford *v.* King, which bill of costs contains various sums of money charged as having been paid to sundry witnesses, the said witnesses never having been paid such sums as therein stated. And I further state that the sum of 97*l.* 15*s.* 5*d.* was paid by me in satisfaction of the judgment and execution to the sheriff of Vancouver Island on the 14th day of July last.

On or about the 19th day of June 1860, I received a letter from George Hunter Cary, requesting the payment of the sum of 90*l.* 9*s.* 2*d.*, the amount of the defendant's taxed costs, and threatening to enforce immediate payment thereof. On the 17th of July last, I obtained from the Registrar of the Supreme Court an official copy of the taxed bill of costs of the defendant, E. H. King; in which, among other items, is a sum of two guineas charged as having been paid to one Alexander Munroe for his expenses as a witness. I have seen the said Alexander Munroe, and he has told me that he never received the said sum of two guineas.

George Hunter Cary has, to the best of my belief, obtained the said sum of two guineas by false pretence, with intent to defraud me, and he knew the pretence was false. I believe the money was paid to G. H. Cary at Victoria.

(signed) *Edward E. Langford.*

Sworn before me, the day and date above written,

(signed) *Aug. F. Pemberton.*

— No. 7. —

(No. 4.)

No. 7.
Governor Douglas, C.B., to the Duke of Newcastle, K.G. 14 February 1863.

COPY of a DESPATCH from Governor *Douglas*, C.B., to His Grace the Duke of *Newcastle*, K.G.

Victoria, 14 February 1863.
(Received, 14 April 1863.)

My Lord Duke,

* Page 17.
† Page 16.

ADVERTING to my Despatch, No. 44,* of the 23d August last, and to your Grace's Despatch, No. 101,† of the 2d June 1862, in which were transmitted for report certain letters from Mr. E. E. Langford, formerly resident at Esquimalt, Vancouver Island, containing statements affecting various officers of my Government, and the administration of justice within the Colony, I have now the honour to forward herewith a report from Mr. Cameron, the chief justice, upon Mr. Langford's complaint in respect of certain proceedings in the Supreme Court, accompanied by copy of minutes of evidence, and of the judge's notes of the trial in which Mr. Langford was concerned. I have also the honour to enclose the reports I have received from Mr. Begbie, the judge of British Columbia, and from Mr. Good, the chief clerk in the office of the Colonial Secretary of British Columbia, in reply to the particular charges preferred by Mr. Langford against them.

Enclosure No. 1.
Enclosure No. 2.
Enclosure No. 3.

2. Your Grace desires me, in forwarding these documents, to accompany them with my own observations. It seems to me, however, that the documents in question, when read with Mr. Langford's correspondence, and considered in connexion therewith, and with the report furnished by Mr. Cary, forwarded in my Despatch of this date, No. 3,‡ so clearly disclose the character and evident object of Mr. Langford, that it is unnecessary for me to occupy your Grace's time by adding the result of my general experience of Mr. Langford during the period that he was a resident of Vancouver Island; but I deem it right, nevertheless, to observe that when I appointed Mr. Langford a justice of the peace I had no choice of candidates. He was the first settler who could consistently be appointed to that office, and the circumstance upon which he lays so much stress, of having filled the responsible position of chairman of quarter sessions, was simply the result of his seniority; and I must also observe that had I been in possession of all the circumstances now disclosed, I should have felt it my duty, prior to Mr. Langford's departure from Vancouver Island, to strike his name off the commission of the peace.

‡ Page 18.

I have, &c.

(signed) *James Douglas.*

Enclosure 1, in No. 7.

Encl. 1, in No. 7.

Chief Justice *Cameron* to the Colonial Secretary.

Chambers, Court House, Victoria,
29 January 1863.

Sir,

I HAVE to acknowledge the receipt of your letter, dated the 5th day of August last, enclosing extracts from a Despatch dated the 2d day of June preceding, from Her Majesty's Principal Secretary of State for the Colonies, together with certain papers, enclosures to that Despatch, embodying certain allegations put forth by Mr. Edward E. Langford, affecting me personally, and the administration of justice in Vancouver Island generally. And also your subsequent letter, dated the 27th day of August, transmitting for my information copy of a further letter from Mr. Langford to His Grace the Duke of Newcastle, upon the subject

subject of his statement affecting certain of the officers of this Government, and requesting me to furnish you at my earliest convenience with any explanation which I may have to offer in the matter.

Pressure of business has, I regret to say, delayed my reply until now; but in reference thereto, I have the honour to observe that I have read Mr. Langford's statement, dated the 18th day of June 1861, and his subsequent letters, dated respectively the 21st day of May and the 5th day of June 1862, and, as far as their contents concern myself, that they do not much surprise me, as I have long before been vituperated in much the same manner, and, as I have reason to believe, at Mr. Langford's instigation.

I will confine myself to answering the most important of his charges, viz., those affecting the administration of justice, reserving those against myself for a separate communication.

His charges affecting the administration of justice may be considered first, as in his statement, that "the proceedings in Court at the trial were of an improper, illegal, and vexatious character;" and, second, his general assertion, as in his letter dated the 5th day of June, "that the purity of justice has been entirely overthrown in Vancouver Island, rendering the proceedings in the law courts in the Colony the theme of scorn and derision among the colonists, and also throughout the American territories in the Pacific."

My answer to the first is a most emphatic denial that any of the proceedings were improper or illegal. If he felt some of them vexatious, such a result arose only from his own misconduct. The exhibits transmitted herewith, viz., a copy of the record as entered for trial, marked (A.); a copy of the daily minutes of the proceedings of the Court, dated the 17th day of April 1860, marked (B.); and a copy of the Judge's notes of the trial, marked (C.), show what were the actual proceedings; and also whether the question which Mr. Langford refused to answer was "irrelevant or inquisitorial and harsh in its tendency, and which affected the interests of society at large."

My answer to the second is, that it would be a grave charge, were it true and supported by evidence of any credibility; but where is such evidence? it is certainly not known or heard of here, and he has cited none. I say, therefore, that this is a reckless assertion, more bold than true; and of as much value as the first charge, that the proceedings at the trial were improper and illegal.

I have, &c.
(signed) *David Cameron*, C. J.

(A.)

In the Supreme Court of Civil Justice.

The 8th day of February A. D. 1860.

Victoria, to wit.

Edward Edwards Langford, by George John Wight, his attorney, sues Edward Hammond King, who has been summoned to answer the said Edward Edwards Langford, by virtue of a writ issued on the 5th day of January in the year of our Lord 1860, out of Her Majesty's Supreme Court of Civil Justice of Vaucouver's Island, for that the Defendant heretofore, to wit, on the 3d day of January in the year of our Lord 1860, falsely and maliciously printed and published, in a hand bill, of and concerning the Plaintiff, the words and figures following; that is to say,

"To the Electors of Victoria.

"Gentlemen,

"Some injudicious person assuming my name has put forward, in answer to your requisition, a long-winded and spiteful address, containing many things which I, of course, should not like to have repeated; among other things, his Excellency's complaint that he was without any intelligent assistance when I was at his elbow; a statement that I required a a full discussion of the whole subject of taxation before I could form any opinion in reference to it; and other matters showing a shallowness of comprehension and an envious disposition which I really ought to be ashamed of.

"The easiest way for you, gentlemen, to judge of my merits is to make a short statement of what I am and what I have done.

"I came here about eight years ago, the hired servant of the Puget Sound Company, for the wages of about six dollars a week and my board and lodging; the privileges of board and lodging were also extended to my wife and family, in consideration of the Company having the benefit of their labour on the farm, of which I was to have the charge.

"I was brought out here at the expense of the Company; I was placed on the farm I now occupy, bought by the Company, stocked by the Company, improved by labour supplied by the Company entirely. In fact, I have not been put to a penny expense since my arrival in the Colony. The boots I wear and the mutton I and my family and guests eat have been wholly supplied at the expense of the Company; and I flatter myself that the Colonial reputation for hospitality, as displayed by me at the expense of the Company, has not been allowed to fall into disrepute. I have given large entertainments, kept riding horses, and other means of amusement for myself and my guests; in fact, I may say that

I and they have eaten, driven, and ridden the Company for several years, and a very useful animal it has proved, though its ears, gentlemen, are rather long.

"All this time I was and am the farm bailiff of the Puget Sound Company, at wages of 60 *l.* ($. 300) per annum and board, a position I value much too highly to vacate until I shall be kicked out of it. I have refused to render any account, any intelligible account, of my stewardship; in fact, I had kept no accounts that I or anybody else could make head or tail of. When requested to give satisfactory explanations, I told my owners pretty squarely that they should have no satisfaction except that usual among gentlemen; and as I knew nobody would call me out and pistol me, I commenced a system of abuse with which you are doubtless tolerably well acquainted, at the same time currying popularity with my farm servants by letting them eat and drink, play or work, just as they liked, which I could do cheap, as the Company pays for all.

"I am sorry to say, however, gentlemen, that although pretty jolly just now, I have not been careful enough to keep a qualification for myself for the House of Assembly, although I have run my owners many thousands of pounds in debt. However, I hope to bully them out of their property entirely; 'improve' them out of their land. How I propose to do this, seeing that all the land, capital, stock, and labour has been provided by them, is a secret. In the meantime, if I should not be fortunate enough to nail a qualification before the election, I shall do as I did before, hand in a protest against the grinding, despotic tyranny which requires a qualification at all, notwithstanding Runnymead and Rule Britannia. The House, I doubt not, will allow me to sit, and I shall be too happy to serve you as I have served my present employers.

"I have, &c.
(signed) "*E. E. Langford.*"

The Defendant meaning thereby that the Plaintiff had committed a breach of trust in refusing to render any account of his the Plaintiff's stewardship as the farm bailiff of the Puget Sound Company, and that he the Plaintiff was attempting, by improper means, to defraud the Puget Sound Company out of their land entrusted to him the Plaintiff as their farm bailiff; by means of the committing of which said grievance by the Defendant, the Plaintiff hath been and is greatly injured in his good name, credit, and reputation. To the Plaintiff damage of 2,000 *l.*

The 20th day of March A.D. 1860.

The Defendant, by his Counsel, George Hunter Cary, says he is not guilty of the said alleged grievance above laid to his charge, or any or either of them, or any part thereof, in manner and form as the Plaintiff hath above thereof complained against him. And of this the Defendant puts himself on the country. Therefore let a jury come, and let a jury try—

1st. Whether the said Defendant did falsely and maliciously print and publish the alleged libel of and concerning the Plaintiff.

2d. What damages the Plaintiff has sustained, if the Plaintiff succeeds on the first issue.

Afterwards, on the 17th day of April A.D. 1860, at Victoria aforesaid, before David Cameron, Esquire, Chief Justice, came the parties within mentioned, by the attorney and counsel within mentioned, and a jury of the said town being summoned also came, who, being sworn to try the matters in question between the said parties, after evidence been given to them thereupon, withdrew from the bar here to consider of the verdict to be by them given upon the premises; and after they had considered thereof and agreed among themselves, they returned to the bar here to give their verdict in this behalf. Whereupon the Plaintiff, being solemnly called, came not, nor does he further prosecute his suit against the Defendant.

Judgment signed 12th day of June A.D. 1860.

Therefore it is considered that the Plaintiff take nothing by his said suit, and that the Defendant do go thereof without day, &c. &c. And that the Defendant do recover against the Plaintiff 87 *l.* 6 *s.* 2 *d.* for his costs of defence.

(B.)

In the Supreme Court of Civil Justice.

Thursday the 17th day of April A.D. 1860.

E. E. Langford *v.* E. H. King.

THE following special jury were called, sworn, and empanelled to well and truly try the issue joined, to wit—

John D. Ewes, Foreman.	Alfred Fellows.
James M. Sparrow.	William B. Smith.
Benjamin P. Griffin.	Robert Homfray.
John Wright.	Frederick W. Wood.

Mr. *Wight* appeared as counsel for Plaintiff, and Mr. *Cary* for the Defendant.

The

The plaintiff was called and sworn on his own behalf, and thereupon testified, upon his cross-examination, he declined to answer certain questions touching his accounts with the Puget Sound Company, which had been audited by the proper person, and which audited accounts the plaintiff had produced at defendant's request. The court ruled that "the witness must answer the question," which the witness still refusing, the court ordered him into the custody of the sheriff. And the court then took recess until two o'clock p.m. Two o'clock p.m. the court met, the witness still remaining in contempt, and refusing to reply. Defendant's counsel moved for a nonsuit, which the court refused to grant; whereupon E. Hammond King was called and sworn on behalf of plaintiff. Witness was not cross-examined. Defendant then moved for nonsuit, but afterwards asked for a verdict, but before verdict was rendered, the plaintiff took a nonsuit.

Whereupon his Honor the Judge discharged the special jury.

The witness E. E. Langford being still in contempt, his Honor the Chief Justice ordered him to remain in the custody of the sheriff for 24 hours, and to pay a fine of 10 *l.*

The court then adjourned until Wednesday the 18th instant, at 10 o'clock forenoon.

I certify that the foregoing is a true copy and perfect copy from the minute book of the Supreme Court of Civil Justice under the above date.

Dated this 30th day of August A.D. 1862.

Thos. G. Williams, Registrar.

In the Supreme Court of Civil Justice.

Tuesday the 17th day of April A.D. 1860.

Edward Edwards Langford *v.* Edward Hammond King.

It is ordered that the plaintiff Edward Edwards Langford, for his contempt committed in the face of the court, in refusing to answer questions put to him on his cross-examination as a witness in this action, be committed to the custody of the sheriff for 24 hours, and further, that he pay a fine for his said contempt, to Her Majesty's use, of the sum of 10 *l.* of lawful money.

(signed) *David Cameron*, C.J.

(C.)

Copy of Judge's Notes, Tuesday the 12th day of April A.D. 1860.

Sittings Nisi Prius.

Record No. 1. Between *Edward Edwards Langford*, Plaintiff, and *Edward Hammond King*, Defendant.

Mr. *George John Wight* appeared for Plaintiff. Mr. *George Hunter Cary* appeared for Defendant.

Declaration for libel. Damages 2,000 *l.*

Special jury called, and sworn, at instance of Defendant:—

John D. Ewes, Foreman.	William B. Smith.
Frederick W. Wood.	James M. Sparrow.
Robert Homfray.	Benjamin T. Griffin.
Alfred Fellowes.	John Wright.

Mr. *Wight* opened and stated plaintiff's case to the jury, and then called as a witness the plaintiff.

Edward Edwards Langford sworn, and answers,—I am the plaintiff in this action; I reside at Colwood, in the district of Esquimault; I have been there nine years as bailiff of the Puget Sound Company, and entitled to one-third of the profits of the farm. I contracted with the Governor of the Hudson's Bay Company in London on the 11th day of October 1850, where I had been residing for two years. This is my contract. (Contract of Agreement betwixt Plaintiff and Puget Sound Company put in, and read to jury).

We arrived here and dropped anchor on the 9th day of May 1851. *I paid the greater portion of the passage money. *I paid 100 *l.* passage money and all the cabin fittings. *I landed on the 10th May, and reported myself to the agent of the Puget Sound Company. There was no other agreement as far as I can recollect. I have performed my duty under it as far as circumstances would allow. I have rendered accounts, and, as far as circumstances

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* The questions which produced these answers were objected to by defendant, on the ground that they were not relevant to the issue. Objections overruled, and questions allowed.

stances would allow, they have been admitted as satisfactory. In pursuance of the terms of my agreement I have rendered my employers correct accounts, and I am still in possession of my farm as their bailiff. Up to this time they have not demanded possession of the farm. They had done so previous to the arrival of Mr. Dallas, the writer of that letter (witness produced letter). As near as I can recollect it was two years or a year and a half before his arrival. I showed him all the correspondence between me and the agent here, and that I think he considered a full answer. I first became acquainted with the defendant in the latter part of the summer of last year. He was publisher of the "Gazette" and "New Westminster Times." The printing office is close to Langley's, in Yates-street. In the month of January last I had reason to go to the printing office of the defendant. He was there. There was a person with me, Mr. Bull, master of Her Majesty's Ship "Plumper;" I had a conversation with defendant; I said, "You have published an infamous lie concerning me;" he said, "I know I have, I am very sorry for it;" I said, "Of course you are aware that it is actionable;" he replied, "I am;" and he pointed to a corner where some of the placards were lying, and asked me if I wished for one; I said "No, I have one;" I then said, "You must tell me who the author of this is;" he said, "I can't do that," not in a very positive manner; I said, "I will give you an hour to consider;" he said, "Very well." At the expiration of the hour I returned to the office with Mr. Bull; he said, "I am very sorry, but I cannot give you up the author;" I then said, "I shall have to bring an action against you, and lay the damages at 2,000 *l.*" I have one of the placards (placard put in, and read to jury). Since that letter has been received (letter of Mr. Dallas to the plaintiff, dated 23 September 1859, also put in, and read), I have rendered my accounts. I have not seen the original of this placard in defendant's possession.

Cross-examined by Mr. *Cary.*—In May, June, or July 1851, I entered on Colwood farm. I received a notice to produce certain papers and books. I have not got my books of account. I object to produce them, as it might be objected to by my employers. I will not produce them as a favour. I produce the audited accounts made up from my books by the auditor of the Puget Sound Company. I came to Colwood in May 1851.

Witness here declined to answer.

Question by Mr. Cary.—What book does folio No. 2 refer to in that account (one of witness's accounts)?—I decline to answer.

Question repeated.—No answer.

Question. Will you or will you not answer my question?—I will not, positively.

Mr. *Cary* applied to the judge to enforce an answer.

Judge to Witness.—You must answer; there is nothing improper in the question, or your own counsel would have objected to it. You must remember that the defendant has a right to cross-examine on every relevant point, however disagreeable it may be, and which right he may call on the court to enforce.—Witness still declined to answer.

Judge to Witness.—There is nothing degrading in answering such a question; it is not irrelevant. The court has waived your production of your books because you say your employers might object, but as your answer to the question may be material to the defendant, he has a right to insist on it.—Witness still refused to answer.

Judge again to Witness.—You must know that a witness refusing to answer proper questions in a court of justice is guilty of a contempt, and liable to be committed.—*Witness.* I refuse to answer, at my peril.

Judge.—This is virtually daring the authority of the court. This is Her Majesty's court, and it is the judge's duty to uphold Her authority; I must therefore warn you that unless you give an immediate answer to the question, you will be committed to the custody of the sheriff.

The witness still refusing, the sheriff was ordered to take him in charge and bring him before the court at its rising in the afternoon.

The court then adjourned to allow jury to take refreshment; at 2 p.m. the court reassembled.

Mr. *Cary* now applied to the judge to direct a nonsuit to be entered on the ground of the misconduct of the plaintiff in refusing to answer questions on his cross-examination which were important to the defendant.

Mr. *Wight* opposed the application; he had not finished his case; he would call another witness; whereupon—

Judge refused to grant Mr. Cary's application.

Mr. *Wight* then called as a witness the defendant.

Edward Hammond King, sworn, and answers,—I am the defendant in this case; my printing office was in Langley-street in January last; I recollect the plaintiff coming to me in that month. I had a conversation with him. I don't know that the placard is a libel.

Question. Have you been served with a "*subpœna duces tecum*" to produce the original of the placard?

Objected to by Mr. Cary, on the ground that the question was irrelevant, as the witness, being the defendant in the action, cannot be obliged to produce a document that has nothing to do with the issue between him and the plaintiff, that being simply the publishing of an alleged libel, and not the authorship.

Mr. *Wight* replied, maintaining that he was entitled to an answer.

Judge.—The objection must be sustained, as the question is not relevant to the issue.

Mr. *Wight* then put in evidence a letter from Mr. Cary, as agent for the defendant to him (Mr. Wight) in which the publication of the placard was admitted.

Letter read to the jury.

Mr. *Wight* said that was plaintiff's case.

DEFENCE.

Mr. *Cary* began by saying that the strange conduct of the plaintiff made it his duty to apply to the judge before he opened the defence to the jury, to have the whole of the plaintiff's evidence struck out of his (the judge's) notes, on the ground of his refusal to be cross-examined, alleging that by doing so he practically denied the defendant a most important legal right, and which was essential to his defence, citing Taylor.

Judge.—The plaintiff's evidence is not very material as far as it goes, as the general issue, the only plea on the record, admits the printing and publishing, and only denies that the placard is a libel as alleged by the plaintiff, and that he has suffered damage to the amount of 2,000 *l.*; but even if it were very material, I cannot allow it to go to the jury without a cross-examination. Defendants have rights as well as plaintiffs, and it is the business of the court to hold the scales even between them. The plaintiff by his conduct has virtually denied the defendant the exercise of a right which the law gives him, and which is essential to secure a fair trial. He can have no reason therefore to complain if the court strikes out his evidence. In justice to the defendant this evidence must be struck out.

Mr. *Cary* then addressed the jury, stating that he would now call no witnesses, but leave defendant's case in their hands. They had witnessed the misconduct of the plaintiff. There was no evidence before them that his character was injured by the placard, or that he had sustained damage in any way; their verdict, therefore, he had no doubt must be for defendant.

Mr. *Wight* said he would not address the jury.

Judge began to sum up the evidence the jury had to consider, when

Mr. *Wight* said that under the circumstances he would now ask that plaintiff be at liberty to enter a nonsuit, which the judge granted, and the jury thereupon discharged.

Mr. Sheriff now brought the plaintiff into court as ordered.

He was asked if he had anything to say in extenuation of his contempt, and saying nothing, was ordered, that he be imprisoned for 24 hours, and pay a fine of 10 *l.* to the use of Her Majesty for his contempt.

The court was then adjourned until to-morrow, at 10 p.m.

Additional.—I had just left the bench and got into my chamber, when Messrs. Skinner, Yates, Meyers, and three or four other gentlemen literally forced themselves into it, and implored me to alter the order I had just made. They admitted that I could not overlook the plaintiff's conduct, but they said his wife was then dangerously ill, and if she heard that he was confined in gaol, it would very likely kill her. For this reason only they said they begged me to rescind the imprisonment to save her. I said that I had made the order in the performance of my judicial duty, and had been as lenient in awarding the punishment as was consistent with its object of deterring others from the commission of similar conduct. I did not therefore think that it was proper to rescind the imprisonment, but as I had no wish that Mrs. Langford should be injuriously affected by it, the order will be drawn up, directing the imprisonment to be in the custody of the sheriff, and as the term is so short, he may keep him in his own office like a prisoner arrested under a bailable writ. The gentlemen then left.

Enclosure 2, in No. 7.

Mr. *Begbie* to the Colonial Secretary. **Encl. 2, in No. 7.**

Sir, New Westminster, 23 December 1862.

I HAVE the honour of acknowledging the receipt here, on the 29th ultimo, of your Despatch of the 28th November, enclosing a copy of a Despatch from his Grace the Duke of Newcastle, dated the 2d June last; and also a copy of a letter addressed to his Grace by Mr. E. E. Langford (late of Vancouver Island), and dated 18th June 1861, in which Despatch of the 28th November you request me to make for transmission to his Grace such statement as I may think proper with reference to Mr. Langford's assertions, connecting my name with the authorship of an alleged libellous placard.

I entirely deny Mr. Langford's right to have any answer from me at this time, on this subject. He has never before thought fit to interrogate me, either directly or indirectly. His only object evidently is to acquire, if possible, the means of continuing to annoy one or more persons for whom I feel a strong personal regard and esteem. He can now summon me, and always could have summoned me as a witness in any court of law. I decline now to answer him elsewhere after the line of conduct he has thought proper to pursue.

For the satisfaction of his Grace, however, and for his Excellency's information, I have, of course, no difficulty or hesitation in making the following statement. I am not aware how far such official communications can be considered as confidential. But I hope that this may be deemed a privileged communication, so far at least as that the original may not be produced in any court of law.

The only mention made of my name by Mr. Langford is where he states that Captain King, the printer of the placard in question, once told him that I was the author.

I have no doubt but that Mr. Langford is in this instance speaking correctly; and that Captain King did once tell him so. But it is also true, and true to Mr. Langford's own knowledge, that Captain King on various other occasions attributed the authorship to various other persons; all, I have no doubt, with equal confidence and sincerity, and equal ignorance of the truth; and I fully believe that were Captain King now alive, he would be just as ready to admit (as I believe the fact was) that he never had any knowledge at all on the subject. I am quite sure that neither he nor Mr. Langford ever had any grounds, except their own imaginations, for attributing it to me.

I observe that Mr. Langford himself makes no statement whatever as to his present or former state of belief on this point.

It is probably quite unnecessary for me to add anything to what I have already stated. But since Mr. Langford has thought fit to cause me to be applied to for information on the subject, it may not be out of place that I should state my view of the placard and its contents; especially as, by reason of my peculiar position in Vancouver Island, entirely unconnected with the administration, and holding no office or authority there of any description, and at the same time being on terms of personal intimacy with the officials, both of the Government and of the Hudson's Bay Company, and with many of the older settlers of the island, I had, perhaps, peculiar means of forming a correct estimate of Mr. Langford's position and conduct.

I am glad that, since Mr. Langford has thought proper to bring forward my name at all, he has connected it with a document not otherwise than creditable to its author. I do not know why that author should any longer wish to conceal his name (except for one reason, which I shall mention presently). The placard is a very temperately worded election squib. Notwithstanding Mr. Langford's insinuations, there is not in it one scurrilous epithet nor one insulting allusion directed against him or any of his family; nor has he ever, so far as I am aware, attempted since its publication to deny one fact, or to qualify one adjective contained in it. It is a dry statement of facts, which at that time were known to many people in the island, including, of course, Mr. Langford himself. And it would have been (with a few verbal alterations, and those not affecting him) a manly and decorous address for him to have really made to the public, instead of the address on which it is a parody. Undoubtedly, so plain a statement of undenied and undeniable facts took by surprise most of Mr. Langford's supporters at that time, who were previously in ignorance of his real position.

As to what Mr. Langford calls an insulting allusion to his family, I have been wholly unable to discover any such in the placard. The only allusion to his family appears to have been copied from a clause in his own sealed agreement with the Puget Sound Company, and is by no means insulting. Poverty is not (of itself) disgraceful, nor is it (in these colonies) an insult (except perhaps in Mr. Langford's opinion) to suppose that any person, man, woman or child, works for his daily bread. I have seen that agreement by which Mr. Langford bound himself in very stringent terms to be the working farm servant of the Puget Sound Company, and to be entirely submissive to the authority of the Company's agent here. That agreement is entirely in accordance with the statements in the placard. I have also seen Mr. Langford's letter to Mr. A. G. Dallas, the then agent of the Company here (now Governor of Assiniboia), refusing accounts, and couched in terms of insolence which, between persons of equal rank, would undoubtedly have tended to provoke a breach of the peace, but which, coming from a person in the position of a servant, and addressed to his master, were unnoticeable by Mr. Dallas, and simply prevented the possibility of any intercourse between master and servant, except on the terms of unconditional submission on the part of the latter. That unconditional submission, Mr. Dallas informed me, was at last yielded, and Mr. Langford, when he was enabled, by the, perhaps, weak indulgence of Mr. Cary, and by the charity of those around him, to leave the Colony, a man ruined by his own wilfulness, levity, and extravagance, expressed with many tears his contrition for his past misconduct, and his grateful sense of the undeserved mercy which the Company had extended to himself and his family.

The real author of the placard in question would probably have been avowed long ago, were it not that he would, if known, be exposed during Mr. Langford's life to every description of annoyance (except personal violence) from a man who has shown himself to be most unscrupulous, unreasonable, and litigious; capable therefore of inflicting a great amount of annoyance without the means of making the smallest compensation. And since Mr. Langford's departure, he, and the placard, the action for libel, and all the surrounding circumstances, have ceased to be of any interest to the public.

I would suggest that his Grace would derive more information concerning Mr. Langford and his grievances (which may be also taken, to some extent, as indicating the tone of some other colonial grievances), from a perusal of the placard itself, of Mr. Langford's agreement for taking service with the Puget Sound Company, and the witness of his Excellency, or of Mr. Dallas, or (probably) of any of the home directors of the Hudson's Bay Company, as to the truth or falsehood of the statements in the placard, than from any further observations of mine.

I have, &c.
(signed) *Matt. B. Begbie.*

To W. A. G. Young, Esq., Colonial Secretary.

Enclosure 3, in No. 7.

Mr. *Good* to Colonial Secretary.

Encl. 3, in No. 7.

BRITISH COLUMBIA.

Sir, Colonial Secretary's Office, 23 December 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 28th ultimo, forwarding copy of a Despatch from the Duke of Newcastle, with enclosure from Mr. E. E. Langford, late of Victoria, and calling upon me, as requested by his Grace, for any explanation I may have to offer on Mr. Langford's statement.

Before making any remarks upon that portion of Mr. Langford's complaint which affects myself, I think it necessary to call attention to an inaccuracy into which he has fallen in describing me as private secretary to Governor Douglas, and as an official of Vancouver Island, and on which assumption his cause of complaint is based.

I beg to state that I have never occupied any position, either as a paid or unpaid official, under the Government of Vancouver Island, my office from the first having been chief clerk in the Colonial Secretary's office for British Columbia, acting as private secretary to his Excellency the Governor only on the occasions of his absence in the interior of British Columbia. The ground, therefore, held by Mr. Langford in "making complaints of a serious nature against certain Government officials in Vancouver Island," is, in my case, at the outset untenable.

With regard to the particular charges against me, I have to state that they are by no means new to me, Mr. Langford having, prior to his leaving the colony, strenuously endeavoured to connect my name with the electioneering squib of which he complains. Upon one occasion, one of Mr. Langford's friends waited upon me, and demanded to know whether or no I was the author of the squib in question? I naturally declined to be catechised either by Mr. Langford or by his friends. Upon another occasion I was directly accused of being the author, and not only the author, but that I had also delivered the manuscript to the printer, and had performed the office of bill-sticker at an early hour on a Sunday; and it was then stated, as Mr. Langford now states, that the printer, Captain King, had given this information to him. Absurd as these allegations were, nevertheless I felt called upon to wait on Captain King, and to request him to explain his reasons for making these unwarrantable statements concerning me. He, in reply, assured me in the most solemn terms that he had never given any such information to Mr. Langford, and that Mr. Langford's assertion that he had done so was untrue. The whole thing then became apparent, and Mr. Langford's object was evident. The squib which appeared being, as I have since heard, almost a literal extract from his agreement as a farm bailiff with the Puget Sound Company, and generally a concise and not untrue account of his proceedings while a servant of that company, it was clear that the author of it must have been well acquainted with these matters, and therefore could be sought within a limited circle. In consequence, nearly every person so circumstanced was in turn accused of the authorship, either by Mr. Langford or his partisans, and by assuming what he was not warranted to assume, and extorting a denial, as I presume he hoped to do from each applied to, the circle would have been easily narrowed, and probably the real author at last arrived at.

Had Mr. Langford possessed a shadow of proof of my having inflicted upon him any wrong, he would not have failed to try and turn it to his advantage while in the colony; and it is evident that he now again brings up my name, designating me as private secretary to Governor Douglas, only to give a governmental character to a private electioneering squib, which I read at the time of its publication, which caused me a hearty laugh, and which, as a private individual, I must say I do not think was a very unseemly parody upon the pompous and silly effusion which was placarded over the town with Mr. Langford's name attached, and acknowledged by him as being his electioneering address. Fortunately for the good of the colony the parody in question was a death-blow to Mr. Langford's hopes of election and of place. Dismissed from his situation by the Puget Sound Company, his hopes of employment under Government for ever gone, the colony was no longer a home for him, and he became more embittered than ever against Governor Douglas and every one connected with his government; and when he left the colony he openly avowed his intention of seeking the aid of Mr. Fitzwilliam and other members of Parliament he knew by name, to have Governor Douglas and every one connected with him removed from office. These threats are more than ridiculous, but, in connexion with Mr. Langford's present accusations, they are significant; and I recently heard that Mr. Langford had admitted to a naval officer whom he met in England and had formerly known in Vancouver Island, that he was paid by some of his partisans here to hunt up (query manufacture?) information to the disadvantage of those in power in Vancouver Island.

I trust I may be pardoned for making these remarks. They might, perhaps, be deemed out of place by one at a distance, but to anyone acquainted with Mr. Langford, his character, history, and proceedings, I am sure they will be considered not inapposite to the subject of his complaint now referred to.

In conclusion, I would point out, as a general specimen of Mr. Langford's truthfulness, a letter I have recently seen published in the English newspapers, in which he not only makes

makes many wilful misstatements concerning his knowledge and connexion with this colony, having always been a resident in Vancouver Island, and I believe never in British Columbia at all, excepting a few days' visit to New Westminster, but he even confirms the monstrous and ridiculous falsehoods disseminated by D. G. F. Macdonald, in his late work upon the colony.

I have, &c.
(signed) *Charles Good,*
Chief Clerk, Col. Sec. Office.

— No. 8. —

No. 8.
Governor Douglas, C.B., to the Duke of Newcastle, K. G.

(No. 5.)

COPY of a DESPATCH from Governor *Douglas*, C. B., to His Grace the Duke of *Newcastle*, K. G.

Victoria, 14 February 1863.
(Received, 14 April 1863.)

My Lord Duke,

* Page 16.

REFERRING to that part of your Despatch of the 2d June 1862, No. 101,* which relates particularly to Mr. Cameron, the chief justice of this Colony, and to his antecedents, as brought to your Grace's notice by Mr. E. E. Langford, I have the honour to transmit herewith to your Grace copy of a communication from Mr. Cameron detailing matters connected with his early history, and rebutting Mr. Langford's representations that he was an uncertificated bankrupt prior to his coming to Vancouver Island.

2 February 1863.

† Pages 18—22.
‡ Page 13.

2. The documents which I forward in my other Despatches of this date, Nos. 3 and 4,† as well as those which were transmitted in my Despatch, No. 14,‡ of the 23d March 1860, relating to another serious complaint of Mr. Langford's when placed in contrast with Mr. Langford's statements and accusations, do, I think, lead to the inevitable conviction that Mr. Langford is a person wholly unworthy of credence, and one who is principally actuated in these representations against Mr. Cameron by malevolent feelings engendered through his having been very properly, although apparently too leniently, punished by Mr Cameron for gross contempt of court.

3. Under such circumstances, it would not be necessary for me to accompany Mr. Cameron's statement with further remark, but as your Grace desires to know whether Mr. Cameron's antecedents were known to me at the time of his appointment, and at the same time expresses an opinion that the period is approaching when it will be necessary that Vancouver Island should receive the services of a professional judge, it becomes incumbent upon me to review the circumstances under which Mr. Cameron became the chief justice of this Colony.

§ Page 37.

4. In my Despatch of the 7th January 1854, No. 2,§ I represented to your Grace that in consequence of the inexperience of the magistrates, and of certain irregularities in the proceedings of their court, it was found requisite to limit their jurisdiction in civil cases; and in order to provide for the wants of the Colony, to constitute a supreme court of civil justice, I selected to be the provisional judge of that court, Mr. David Cameron, who was undoubtedly the most fitting person I could obtain for that position, he being a man of good business habits, of liberal education, some legal knowledge, and what was equal to all, possessed of a more than ordinary amount of discretion and common sense. I would beg your Grace to note that Mr. Langford was then the senior magistrate in the Colony, and it is not unnatural to assume from subsequent events that Mr. Langford, forming his own estimate of himself, must have viewed Mr. Cameron's appointment to a superior position with much jealousy and heart-burning; and I may as well here state that I selected Mr. Cameron in preference to Mr. Langford, because an experience of nearly three years had shown me that Mr. Langford was singularly deficient in judgment, temper, and discretion, and was much inferior both in legal and general knowledge to Mr. Cameron. At the time I selected Mr. Cameron I was but very imperfectly acquainted with his early history, and had no knowledge of the circumstance of his having twice failed in business. My knowledge of him extended to the fact

fact that he had given up the management of a large sugar estate in Demerara, where he was living in the enjoyment of every comfort, to accept an appointment in Vancouver Island, offered to him by Mr. Colvile, then governor of the Hudson's Bay Company, principally induced thereto by the opportunity it afforded him to seek a more temperate climate to benefit the failing health of his wife, since deceased.

5. In reporting the appointment of Mr. Cameron in my Despatch, No. 2, of the 7th January 1854,* I stated that he was not a professional lawyer, that he had accepted the appointment solely at my request, and only until a law officer could be appointed, a measure which I solicited might be early carried into effect. And in my Despatch, No. 42,† of the 11th December 1854, in reporting upon a memorial addressed to your Grace upon the subject of Mr. Cameron's appointment, I again observed that if Her Majesty's Government thought the appointment of Mr. Cameron improper, I had no wish to retain him in the position, and I requested that a judge might be sent out from England. I would remark that this same memorial was the production of a small but violent political clique, with whom were prominently connected Mr. Langford, and Mr. James Cooper, the present harbour-master of British Columbia, the particular grievance of the latter against my government being that the sale of ardent spirits without a licence had been prohibited, and that he, being a member of the Council, having become a retail vendor of spirituous liquors, I had brought the matter to the notice of the Council, and expressed my opinion that such proceedings were improper, and derogatory to the dignity of the Council.

* Page 37.

† Page 38.

6. The circumstances of the provisional appointment of Mr. Cameron must have been duly weighed by the Secretary of State, and I presume a favourable estimate arrived at of his abilities and fitness for the office, for by Mr. Labouchere's Despatch, No. 8,‡ of the 26th April 1856, referring to my Despatch of the 7th January 1854,§ and to the correspondence which had subsequently passed on the subject of the establishment of a Supreme Court of Civil Justice, I was informed that Mr. Cameron would be appointed Chief Justice, and a warrant for that purpose under the Royal Sign Manual was forwarded to me in Despatch, No. 9,‖ of the 5th May 1856.

‡ Page 45.

§ Page 37.

‖ Page 46.

7. In consequence thereof Mr. Cameron abandoned his employment under the Hudson's Bay Company, and devoted himself, as I can testify from actual knowledge, with the most untiring assiduity to the duties of his office.

8. On the 28th July 1857, in my Despatch, No. 25,¶ I requested instructions as to the amount and payment of the salary to be assigned to Mr. Cameron as Chief Justice of the Supreme Court. In reply, I was informed by the Secretary of State's Despatch, No. 14,** of the 6th November 1857, that the matter had been referred to the Hudson's Bay Company, with whom the decision was considered to rest. Mr. Cameron, however, continued to receive no larger salary than that attached to the office in 1853, viz., One hundred pounds (100 *l.*) per annum, until the 8th August 1860, when a salary of Eight hundred pounds (800 *l.*) per annum, payable from the land revenues of the Colony, was fixed by the Local Legislature for the Chief Justice.

¶ Page 42.

** Page 49.

9. The foregoing is a statement of the circumstances under which Mr. Cameron became the Chief Justice of Vancouver Island. It will be seen that he was originally selected by me on account of his being the only person near to me to whom I could with safety intrust the duties of a most responsible office; that I solicited that he might speedily be relieved from those duties by a professional judge; that Her Majesty's Government thought it desirable to retain Mr. Cameron in the office in which I had provisionally placed him; and not only so, but, unsolicited, to elevate him to the higher and more responsible office of Chief Justice; and I can most conscientiously say that during the period Mr. Cameron has discharged these responsible duties, I am not aware of one single act which would show his appointment to have been unwise or inexpedient. On the contrary, his high integrity, his firmness, discretion, and sound common sense, coupled with the most even temper and amiable manners, have been a source of much satisfaction to me.

 10. Although

10. Although Mr. Cameron was not originally educated as a lawyer, yet I believe him by close application and study for a period of more than nine years to have acquired a knowledge of the profession that would compare favourably with the great mass of those regularly educated in the profession; indeed, I have on more than one occasion found his opinion, although at variance with that of members of the profession, to be correct; and so far as my own personal experience of Mr. Cameron is concerned, I can assure your Grace that although I was not, after the advent into the Colony of regularly qualified lawyers, at first disposed to place very great confidence in Mr. Cameron's opinions on points of law, yet I have lately very considerably altered my views in that respect.

11. However, should Her Majesty's Government still consider that a professional Chief Justice should be appointed, I will, if your Grace desires it, call upon Mr. Cameron to resign, and I have no doubt that he will, under such circumstances, be prepared to meet the views of Her Majesty's Government; but I presume that in such case Her Majesty's Government will grant him a pension in consideration of his services, and of his having abandoned a certainty in order to accept an appointment from which he is removed through no fault of his own.

I have, &c.
(signed) *James Douglas.*

Enclosure in No. 8.

Encl. in No. 8.

Mr. *Cameron* to the Colonial Secretary.

Chambers, Court House, Victoria,
2 February 1863.

Sir,

* Page 22.

With reference to my letter of the 29th ultimo,* concerning the charges preferred by Mr. Langford in the documents therein mentioned against the administration of justice here generally, and against myself personally, I have now the honour to say that, having given my answer in that letter to his charge against the administration of justice, I propose in this to answer his personal charges. These may be condensed into two, viz., first, that "I am a man of obscure origin, with no legal education whatever, and a very imperfect general one;" and, second, that "I was an uncertificated bankrupt in Scotland, and was some time afterwards discharged as an insolvent in Demerara, shortly before arriving in Vancouver Island."

To the first, I think it unnecessary to reply, as I consider the alleged obscurity a matter of indifference to everybody but himself, and the nature of my education to be best tested by the manner in which I have executed the duties of the high office which I have had the honour to hold since the year 1853.

To the second I must reply; on it he founds his case; but as, in explanation, I must go back many years, and refer to incidents of my early life, I must crave your indulgence if I should be tedious.

It is necessary to say that I was born in the autumn of the year 1804, and was started in the business of life as a cloth merchant in Perth by my relatives in the spring of the year 1824, that is, before I was 20 years of age. This, I believe, was done to check an inclination which I had early shown to go abroad. For two or three years everything went well; but I was young, and had not the caution of age. I was too liberal in giving credit. Some of my debtors failed; the value of goods fell considerably, and I was a great loser in consequence. From these causes I lost more than my capital, and felt it necessary to stop payment, and submit the state of my affairs to my creditors. They agreed to take a composition, payable by instalments, at a pretty long date. This credit was given to induce me to continue the business, but I was disheartened, and shortly after decided to wind-up and pursue my original intention of going abroad. The winding-up and settling the claims against me occupied another year or two; when completed, I finally left Scotland in the year 1830 for the Colony of Demerara. There I began life again as overseer on a sugar plantation. In 1838, I became owner of a small property on the river Essequibo, which I held for a few years. During this period, from the effects of emancipation, there were great difficulties with the labourers, who were fickle and unsteady in their labour, and almost every proprietor in the Colony suffered serious losses in consequence. I had my share; and after some vain struggles to overcome the loss, I surrendered this property, and everything else I then possessed, to satisfy the claims against it. There was, notwithstanding, a considerable residue of personal liabilities, which existed for years afterwards. My creditors, however, never pressed me; they were satisfied with my surrender. In the year 1850, a relative offered to demise some property for the benefit of my family if I got a legal discharge from these liabilities. This was the cause of the application to the Court in January 1851. I

was

was then managing a sugar plantation, with a fair income, and every comfort consistent with my position. This my creditors well knew, and yet not only was the application unopposed, but, if I remember right, the majority expressly gave their assent to my discharge. About two years after, and while still holding this management, I was surprised by the receipt of a letter from the late Mr. A. Colvile, then Governor of the Hudson's Bay Company, dated Hudson's Bay House, London, 1st March 1853, offering me an appointment at the coal mines, which had been then newly opened at Nanaimo, on this island. At that time I had not the slightest intention of leaving Demerara; however, after some consultation with my friends, and influenced principally by the failing health of my wife, who required a more temperate climate, I accepted the offer, arranged my business matters, and left that Colony with my family early in May following for this place, where we arrived in July 1853. Here I first met Mr. Langford. In December of that year I was appointed by the Governor and Council to the office which I now hold, with a salary of 100 *l.* a year. I then foresaw that this appointment would create a feeling of jealousy against me in the breasts of the other magistrates (as it was made in consequence of their having exceeded their jurisdiction), and entail, in the proper execution of its duties, far more labour than such a salary would compensate. I accepted it, however, simply from a feeling of public duty. I was not a lawyer (there were none in the Colony), but I had been conversant enough with courts of law to know what steps to pursue in organizing a court that would satisfy its wants and prevent abuses until some more competent person could be sent from England. As my first duty, I drafted a scheme for a supreme court of civil justice, which was adopted by the Governor and Council. On its publication, it was opposed by Mr. Langford, and the other magistrates, and by Messrs. Cooper, Swanston, and a few others, on the ground, I believe, that it took away the right of trial by jury, which I may here observe was not the case. Their efforts to have it superseded were unsuccessful in the Council, and what other, and underhand, proceeding they took to ensure success in another place it is not necessary for me now to state, as I believe they are to be found in the files of the Colonial Office in England. In 1856 the Governor received the Order in Council, constituting the present Supreme Court of Civil Justice, and Her Majesty's warrant, appointing me to the office of chief justice. I felt it very gratifying to be thus honoured, as it was unexpected, and in the face of the opposition to my original appointment, and resolved, although with some hesitation as to my knowledge, and the want of sufficient remuneration to support its dignity, to perform the duty thus anew devolved upon me to the very best of my ability. Since that time I have been before the public, and I may safely say that the manner in which that duty has been performed has met scarcely a caviller, except Mr. Langford. I have thus sketched my history at sufficient length to enable you to observe that my mercantile failure in early life was not of the nature charged by Mr. Langford. Unfortunate as it was, I never became a bankrupt, and, therefore, never was an uncertificated bankrupt. His own evidence (Mr. Reid's letter) shows conclusively that what I say is true; and, as to the circumstances stated in that letter, I may say that about 35 years have elapsed since their occurrence, and that although I know that I have a cousin of the name mentioned resident in Perth, that I never had any dealings with him of a pecuniary nature, and that, if he has any such claims, that he has never once thought it worth his while to apply to me for payment, although he well knew where I was resident in Demerara, and also where I have been resident since I came hither. This sketch will also shew you the care and art observed in making this charge, so as to raise at once a prejudice against me. Dates are withheld, and the events are made to run as it were in a natural sequence, so that the reader might jump to the conclusion that from the premises I must be unworthy. I hope, however, that what I have now written will remove such an impression, and will show that while Mr. Langford has not hesitated to suppress the dates and exaggerate the facts on which his charges are based, he has also carefully abstained from any allusion to conduct which gave rise to a second punishment for contempt. These charges, I must suppose, are the threatened consequences that were to fall upon my head if I dared to act regardless of his threat. The circumstances are these: on the meeting of the Court, on the day after the trial complained of, it was discovered that the sheriff had, in dereliction of his duty, let Mr. Langford out of his custody after a confinement of only two or three hours, and without payment of the fine, notwithstanding the order of commitment for 24 hours. The sheriff was in consequence peremptorily ordered to bring into Court the body of the prisoner committed to his custody by two o'clock that afternoon. This order the sheriff failed to execute; in its stead he produced a letter from Mr. Langford, copy of which is Exhibit (D.), in which he designates the proceedings of the previous day as vile and illegal, and threatens me with consequences if I dared to enforce the order of the Court. This I held to be so grossly insulting to the Court, and of so flagrant a nature, that I felt justified in ordering an attachment to issue. On it he was brought up, and ordered to enter into a recognizance, with sufficient sureties, to answer interrogations touching the contempt. Exhibit (E.) is a copy of these interrogations, and his answers. On these answers he was reported in contempt. Judgment, however, was deferred, as I well knew he could not pay a fine, and for the sake of his family refrained from again committing him to custody. He was, therefore, from a motive of lenity, and as a precaution against future misconduct, only held on his recognizance to appear for judgment at some future time. This kept him quiet until he left the Colony, when his sureties were discharged.

Such, sir, is my answer to Mr. Langford's personal charges. I have to apologise for its length, but I could scarcely tell the real facts of these unfortunate incidents of my early career more briefly. I have found it a painful task, and still more so, that I should be

obliged to do it at the instance of a man who was my near neighbour for several years, and whom I have never even thought of injuring in any way whatever.

I have, &c.
(signed) *David Cameron.*

(D.)

COPY of a Letter of *Edward Edwards Langford* to Chief Justice, and Indorsement thereon.

Sir, 12 o'clock, Esquimalt, 18 April 1860.

THE sheriff has just shown me an order to appear in court this day at two o'clock. From the state of health of my wife, as a man and a husband I shall not leave her. The effects of the *vile* and *illegal* proceedings of yesterday have had most evil effects, although she is yet ignorant of my having been committed to the common gaol. Should you insist on enforcing your order, the consequence will rest on your head.

I have, &c.
(signed) *E. E. Langford.*

To David Cameron, Esq.,
Chief Justice, &c. &c.

Received from the sheriff while sitting in Court on Wednesday the 18th day of April instant.

David Cameron, C. J.

Filed Friday the 20th day of April, A. D. 1860.

F. G. W., Registrar.

(E.)

In the Supreme Court of Civil Justice, April Term, in the 23d year of the reign of Queen Victoria.

VANCOUVER'S ISLAND.

The Queen *v.* Edward Edwards Langford.

INTERROGATORIES to be exhibited to Edward Edwards Langford, of Colwood, in the district of Esquimalt, Esq., the defendant, touching contempts supposed to have been by him committed against this Court.

First. What is your name, age, occupation, and where your place of residence?

Second. Were you in the Supreme Court of Civil Justice of Vancouver's Island on Tuesday the 17th day of April of this present year, A. D. 1860?

Third. Did you, when so being in the said Court, speak or use any contemptuous words concerning the Judge thereof?

Fourth. Did you, when so being then and there in the said Court, say to or speak of the Judge of the said Court, when he was sitting on the bench, these words, to wit, "I did not expect to get justice from you?" If not, what were the words concerning the Judge which you then and there used?

Fifth. Did you, on Wednesday the 18th day of the said month of April, write and deliver a letter to the sheriff's deputy, William Culverwell, at Esquimalt, superscribed and addressed David Cameron, Esq., Chief Justice, &c. &c. &c.?

Sixth. Did you write the words following in that letter, to wit, "the effects of the vile and illegal proceedings of yesterday"?

The above-named Edward Edwards Langford was sworn the 7th day of May, A. D. 1860, true answers to make to such questions as should be asked him on his examination on the above interrogatories, before me, at my Chambers, Court House, Victoria.

David Cameron, C. J.

Registrar's Office, Supreme Court.

Tuesday, 8th day of May, 12 o'clock.

BEFORE me, Thomas G. Williams, Registrar of the said Court, this day, comes E. Edwards Langford, of Colwood, in the district of Esquimalt, Esq., and in reply to the interrogatories on file, and copies of which are in the hands of the said respondent, to the first of the said interrogatories he having previously been sworn by the Chief Justice, to true answer make to such questions as said interrogatories contain, answering saith:

First. Edward Edwards Langford, age 50 years, bailiff to Puget Sound Company, residence Colwood, district of Esquimalt, Vancouver's Island.

Second.

253

Second. I was present in the Supreme Court of Civil Justice of Vancouver's Island, on Tuesday the 17th day of April, A. D. 1860.

Third. I did not, when so in the Supreme Court at said time, speak any contemptuous words concerning the Judge thereof.

Fourth. After Mr. Cameron had left the bench, I said, "Well, I did not expect justice, for even the Judge of British Columbia, Mr. Begbie, had stated, in a public room here, that the contents of the placard were true, for he had seen my agreement, and he (Mr. Begbie) had circulated the same opinion in British Columbia." These words, or words having the same import, were the words I believe I used on that day.

Fifth. I did write and deliver a letter to William Culverwell, sheriff's deputy, at Esquimalt, superscribed and addressed to David Cameron, Esq., Chief Justice, &c. &c. &c., or superscribed to the Chief Justice. I have no copy of the letter; I wrote it in a hurry, as the sheriff's deputy was waiting.

Sixth. To the best of my recollection I wrote the words "vile and illegal proceedings of yesterday," but I have no copy of the letter.

In further reply and explanation respondent states, that in the use of the word "illegal," he did not use it in a contemptuous sense towards the Court, but only having reference to the demand made upon him in Court to answer certain questions touching his accounts with the Puget Sound Company, which had been already audited and approved by them, and which it seemed to respondent it was illegal for him to further explain to the counsel of the defendant. And respondent further states, that as regards the use of the word "vile," referred to as being in said letters, it had reference to the conduct of the counsel for the defendant, whose general conduct through the trial was of an offensive and insulting character towards the Court, as instanced more particularly when the judge decided a point of law against him, he threw a book across the table in a contemptuous manner, pulled off and threw down his gown in Court, and rushed out of it, and was then led back again by Mr. Drake. This was stated to me; I did not see it, because I was in the custody of the sheriff at this time, but learned it afterwards upon the breaking up of the Court. Respondent also further adds, as regards the use of the word "illegal," that it referred to the striking out of respondent's evidence as a witness in the case then before the Court, which evidence had already been recorded, and had gone to the jury; that evidence and the letter of Mr. Cary admitting the publication of the placard being in respondent's judgment the proof of the publication of the placard by defendant, and as so admitted by the jury while sitting on the case. Respondent further saith, that as the plaintiff in the case, suffering a nonsuit in consequence of not answering the question proposed to him, and that, in addition to being fined 10*l.*, he was also thrust into a common prison, with felons and vile persons; that in his estimation such proceedings were calculated in addition to private anxiety caused by domestic sickness, to call forth the utterance of remarks that, under other circumstances, would not have been used.

Edward E. Langford.

The foregoing answers and explanations were read over to the respondent, and by him pronounced to be his answers and explanations to interrogatories filed and served upon him in case of Regina *v.* Langford, taken before me, at Registrar's Office, on Tuesday the 8th day of May, A. D. 1860.

Thos. G. Williams, Registrar.

— No. 9. —

(No. 8.)

No. 9.
Duke of Newcastle, K. G., to Governor Douglas, C. B., 5 March 1863.

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K. G., to Governor *Douglas*, C. B.

Sir, Downing-street, 5 March 1863.

MY attention has been again directed to the subject of the charges preferred by Mr. E. E. Langford in the letters which formed enclosures to my Despatches of the 2d and 19th * of June last; and I regret to be compelled to express my surprise that, being in receipt of these communications, which bring in question not only the conduct of certain public officers in Vancouver Island but your own, you should have contented yourself with furnishing such a casual and incomplete reply as that contained in your Despatch of the 23d of August last †, and have allowed the matter to rest from that date to the present time.

* Page 16.

† Page 17.

I have, &c.
(signed) *Newcastle.*

— No. 10. —

No. 10.
Duke of Newcastle, K. G., to Governor Douglas, C. B., 23 April 1863.

(No. 12.)

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K. G., to Governor *Douglas*, C. B.

Sir, Downing-street, 23 April 1863.

* Page 22.

I HAVE to acknowledge the receipt of your Despatch, No. 4,* of the 14th of February, enclosing reports by Chief Justice Cameron, Mr. Justice Begbie, and Mr. Good, chief clerk in the office of the Colonial Secretary for British Columbia, on the subject of the complaints which have been preferred by Mr. E. E. Langford, relating to an electioneering placard which was published in Victoria in 1859–60, and to proceedings in the Supreme Court of Vancouver Island, in an action for libel arising out of that publication.

23 April, page 11.

I annex a copy of the letter, in which I have caused my decision on the subject of Mr. Langford's complaints to be communicated to him.

While, however, I have declined to pursue an enquiry into the authorship of the placard complained of by Mr. Langford, I wish you to understand, and to make it understood by the Government officers of Vancouver Island and British Columbia, that an officer connected with the administration of justice is, in my opinion, bound to abstain scrupulously from all interference in party politics, and that other permanent officers of Government, though their duties are of necessity in some respects political, cannot, without injury to the public interest, be permitted to adopt that personal and aggressive mode of political warfare which is perhaps allowable to those who are not identified with the administration of affairs.

I must also add with reference to one sentence in Mr. Begbie's letter, that it is impossible for me to consider a communication addressed to me by a public officer, in answer to a charge made against him, as being in any sense confidential.

I have, &c.
(signed) *Newcastle.*

— No. 11. —

No. 11.
Duke of Newcastle, K. G., to Governor Douglas, C. B., 25 April 1863.

(No. 13.)

COPY of a DESPATCH from his Grace the Duke of *Newcastle*, K. G., to Governor *Douglas*, C. B.

Sir, Downing-street, 25 April 1863.

* Page 30.

I HAVE to acknowledge the receipt of your Despatch, No. 5,* of the 14th of February, enclosing copy of a letter from Mr. Cameron, the chief justice of Vancouver Island, in answer to the representations respecting his career previously to his arrival in Vancouver Island, which have been made by Mr. E. E. Langford.

Mr. Cameron's letter appears to me very straightforward and satisfactory.

I am not prepared at present to decide whether Mr. Cameron shall retain permanently the office of chief justice of Vancouver Island.

I have, &c.
(signed) *Newcastle.*

Correspondence with the Government of Vancouver Island, relative to the Appointment of Chief Justice Cameron.

DESPATCHES FROM THE GOVERNOR.

— No. 1. —

(No. 2.)

No. 1.
Governor Douglas to the Duke of Newcastle, K.G.
7 January 1854.

COPY of a DESPATCH from Governor *Douglas* to His Grace the Duke of *Newcastle*, K.G.

Victoria, Vancouver Island, 7 January 1854.
(Received 15 April 1854.)
(Answered, No. 8, 26 April 1856, p. 45.)

My Lord Duke,

I HEREWITH transmit for the information of Her Majesty's Government, copies of the proceedings in the Council of this colony from the 20th day of September to the 2d day of December last, inclusive.

Your Grace will observe that the attention of Council was drawn, in the first place, to certain irregularities in the practice of the Justices' Court, arising from the inexperience of the magistrates, which required amendment. It was therefore resolved to limit the jurisdiction of the Justices' Court, in civil cases, to such simple matters as our justices are competent to deal with, and to establish a Supreme Court of Civil Justice, with jurisdiction over the whole colony of Vancouver Island and its dependencies, in all matters of law or equity, where the amount in dispute is of the value of 50 *l.* sterling and upwards.

An Act to that effect, containing the rules and forms of pleading to be used in said court, was passed in Council on 2d day of December last, and David Cameron, Esq., was appointed judge for the time being, with a yearly salary of 100 *l.* sterling, and a sum was appropriated out of the proceeds of the duties on licensed ale-houses to meet that outlay.

A copy of the Act in question is herewith transmitted for your Grace's information, and I beg that it may be submitted to a law officer of the Crown for revision, as Acting Judge Cameron, by whom the rules were compiled, is not a professional lawyer, and accepted the appointment solely in compliance with my request, until a law officer for the colony is appointed by the Crown, a measure which, for the sake of the colony, and for my own relief from an unusual amount and variety of responsibility, I am desirous should be soon carried into effect.

We next proceeded to pass an Act imposing a small duty on timber cut upon the public lands, and restricting the exercise of that privilege to Her Majesty's subjects residing on Vancouver Island. The object of that Act is altogether protective, it being thereby intended to prevent the waste and destruction of timber on the public lands, and to throw the timber trade, as much as possible, into the hands of the actual colonist.

The other matters contained in the minutes now transmitted, relating chiefly to the charge for the board of pupils at the colonial school, and the scale of fees in the Justices' Court, will explain themselves, and I will therefore not detain your Grace with any further remarks.

Trusting that those proceedings may meet with your Grace's approval,

I have, &c.
(signed) *James Douglas*, Governor.

— No. 2. —

(No. 42.)

No. 2.
Governor Douglas to Sir G. Grey, Bart., 11 December 1854.

COPY of a DESPATCH from Governor *Douglas* to the Right Hon. Sir *George Grey*, Bart.

Victoria, Vancouver Island, 11 December 1854.
(Received 27 February 1855.)

Sir,

I HAVE the honour to acknowledge the receipt, on the 6th instant, of your Despatch No. 3* of the 20th August last, transmitting copy of a petition to the Queen, together with the copy of a memorial addressed to the Duke of Newcastle by certain inhabitants of Vancouver Island, complaining of the composition of the recently established Supreme Court of Civil Justice, and of other matters affecting the good government of the settlements on Vancouver Island, and your desire that I should furnish you with an early report upon those complaints, which I shall now do.

* Page 43.

The petition to the Queen, after the usual preamble, goes on to assert that the petitioners are "groaning" under grievances inflicted by the local government of this colony of Vancouver Island, "that there can be no sound basis for happiness amongst a people where the courts of justice are not pure, efficient and reliable;" then proceeds to state their wish "to have the laws of our country ably and impartially administered by men of integrity, ability, learning and experience;" and closes by entreating "that Her Majesty would graciously cause a strict inquiry to be immediately instituted into the circumstances of the recent creation of a court entitled 'The Supreme Court of Civil Justice for Vancouver's Island,' and the appointment of Mr. David Cameron, the Governor's brother-in-law, as judge of the same, and by declaring their belief that whilst it is allowed to continue, they cannot but complain of as an intolerable grievance, which they pray may be speedily removed."

In reporting on this petition, I am really at a loss how to treat the subject brought before Her Majesty for redress, or what to explain or what to defend, as the grievances alluded to in the petition are not stated, and I have carefully reported to Her Majesty's Government every step that has been taken by this government in the establishment of the Supreme Court of Civil Justice, and the reasons which led to the temporary appointment of Mr. Cameron as judge; and I trust it will appear that the sole object of those measures has been to maintain the purity and efficiency of the courts of justice, and to secure the impartial administration of the laws.

I, moreover, feel confident that no instance of neglect of duty in that respect can be justly laid to the charge of the Governor and Council of this colony.

I will now proceed to recapitulate, for your information, the causes which induced the Council to decide on establishing the Supreme Court. I have, on various occasions, informed Her Majesty's Government that, as Governor of Vancouver Island, I had no person of experience to advise or assist me in the administration of public affairs, the entire onus and responsibility of which consequently devolved on me.

As a relief from the unceasing calls upon my time for the settlement of disputes between the colonists, I appointed in the month of March 1853, during Her Majesty's pleasure, four persons to fill the office of justice of peace in this colony, and it was decided that they should hold a petty session on the first Thursday of every month, and a general session four times a year, and to them I referred all disputes that properly came within the jurisdiction of a justices' court.

In the month of June following, I had occasion to call Mr. Skinner, one of the justices then appointed, to account for issuing a rash and ill-considered process, at the instigation of Mr. Webster, an American adventurer, who was striving to secure a monopoly of the timber exports from Soke District.

That person accompanied the constable, employed by Justice Skinner in serving the process, to the settlement at Soke. The constable there arrested, without any just cause, and at the suggestion of the said Webster, two vessels, one English and one American, which were taking in cargoes of spars, commanding the masters of those ships, in the Queen's name, to receive no more timber on board of their vessels.

On complaint being made to me by the said masters of that unjustifiable act, I ordered

I ordered the vessels to be immediately released from custody, and persuaded the sufferers to overlook the proceedings, which had evidently arisen from ignorance of the law, and not from malicious motives on the part of the magistrate.

In the month of September 1853, a case was tried here before the Justices' Court, which attracted much attention in this country.

It was commenced at the suit of the before-mentioned Webster, against the Muirs, an industrious family holding several hundred acres of land at Soke, and was decided in a very hasty manner against the defendants, who were condemned to pay damages to the amount of 2,213 dollars, besides the costs of suit.

The manifest injustice of that sentence, to which I soon afterwards called the attention of the Council, *see* Extract of Minutes of Council, 20th September 1853, transmitted with my Despatch, No. 2, of the 7th January 1854, deeply impressed upon my mind the necessity of limiting the jurisdiction of the Justices' Court to matters strictly within their province and legal experience, and of making a better provision for the administration of justice by establishing a higher court, where cases of importance might be carefully heard and investigated, proper records kept, and justice as much as possible be done to all parties.

In the meantime, until that measure was carried into effect, I appointed Mr. Cameron to the office of justice of the peace, and enjoined him to keep proper records of every important case, and to be careful in observing the forms required by law, which from the ignorance of the other magistrates had been previously neglected in the Justices' Court.

I was also induced to take that step by the proceedings of Mr. Webster, who encouraged by his former success, had commenced a fresh suit, founded on some frivolous pretext, against the unfortunate Muirs; a circumstance of which Mr. Muir, senior, with tears in his eyes, came to inform me: and strange as it may appear, after that addition to the bench, Mr. Webster decamped, and has never returned to this colony.

The establishment of a Supreme Court was thus in the first place suggested by the inefficiency of the Justices' Court, and was, moreover, rendered indispensable by the increasing wants of the colony, and the absence of any other court properly possessed of jurisdiction in civil cases. There is nothing unconstitutional in the nature of the Supreme Court, nor inconsistent with the practice of the Mother country, and of all other British colonies. The constitution and forms of pleading drawn up by Mr. Cameron, were transmitted in my Despatch, No. 2, of the 7th January 1854, for consideration and correction; and I, therefore, cannot conceive by what process of reasoning the authors of the petition could be led to suppose that a measure so manifestly intended for the protection of the subject, and the efficient administration of justice, could be intended as an invasion of their civil rights.

The temporary appointment of Mr. Cameron to the office of judge of that court might be so considered, as he has no doubt his faults like other men, but I am confident of his firmness and integrity, and fully convinced that he will not wilfully commit an act of injustice, nor decide on a point of law which he does not fully understand; and besides, there is no other disposable person in the colony so well qualified by experience or legal knowledge to fill the office which, were he suspended, must for want of a qualified person remain vacant.

I beg also to remark, that I have no wish to retain Mr. Cameron as judge, and will suspend the temporary appointment made to him should such be your wish; in that case, however, a judge should be sent out from England, otherwise the clamour will be equally great among the colonists, for the want of a properly constituted civil court.

The argument of the petitioners, founded on the fact of Mr. Cameron's being a servant of the Hudson's Bay Company, will apply with equal force to the other magistrates, as they are servants of the Puget Sound Company, and in a much more dependent position than Mr. Cameron; this, is, however, an unavoidable evil, as there are no qualified persons in the colony for such offices, except the officers of those companies.

The memorial to the Duke of Newcastle appears to be a mere repetition of the complaints set forth in the petition to the Queen.

My opinion of Mr. Cameron's character and capacity has been before stated.

 I highly

I highly approve of his manly and fearless conduct in the administration of justice, and in checking neglect, and the careless discharge of duty on the part of his brother magistrates.

11 January 1854.

He did so in consequence of my instructions; and the accompanying copy of an address forwarded to me, and signed by all the freeholders in the colony except two, will show that his services were appreciated by those who have really an interest at stake in the colony, and that they did not think with the memorialists that the appointment of Mr. Cameron would endanger either their property or their personal safety, or that "he had acted with notorious and gross partiality" in the capacity of justice of the peace.

Those charges against Mr. Cameron are, I believe, without any foundation in truth. Any parties so aggrieved had a right to appeal to the Governor and Council for redress, a right which is well understood, and the people here are not slow in using it, yet no appeal has ever been made to the Council against any of Mr. Cameron's legal proceedings.

The memorialists, in stating that the appointment of Mr. Cameron was hurried through the Council in one day, are evidently in error, as you may observe by copy of the Minutes of Council held on the 20th day of September 1853, transmitted with my Despatch, No. 2, of the 7th January 1854, which will show that the inefficiency of the Justices' Court, and the establishment of a Superior Civil Court, as a protection to person and property, were the subjects discussed on that day, the 20th of September, and that the Council adjourned, without coming to a decision, till the following 23d of September, when the measure, as it now stands, was finally decided on.

Mr. Cooper's complaint of having been "betrayed into acquiescence with Mr. Cameron's appointment" is, therefore, as unreasonable as his weak and vacillating conduct was unseemly at a time when he was bound to support the measures of Council, knowing them, as he admitted, to be necessary for the proper administration of justice, and solely intended to promote the best interests of the colony.

I really do not understand what the memorialists refer to in the closing paragraph of that document, as no attempt has been ever made "to deprive them of their just rights, or to require the sacrifice of their dearest interests, or to exercise over them a lawless and arbitrary power."

They have not ventured to specify their "real grievances," nor the wrongs inflicted upon them, "nor the grievances under which they are deeply suffering," neither have they ever stated them to me. I have, therefore, come to the conclusion that those grievances are less real than imaginary, a conclusion strengthened by the present prosperous state of the country. The people, moreover, appear happy and contented, the frugal and industrious are rapidly improving their condition in life; there are no taxes nor public burdens, the laws are justly administered, the means of education are extending, intemperance is on the decrease, and crimes are almost unknown; in short, since the departure of the Rev. Mr. Staines and his coadjutor Mr. Swanston, I have not heard a complaint from any person in this colony, except in regard to the sale price of land, which seems to be the only real grievance affecting the colonists generally, and that grievance I have no power to redress.

Mr. Staines, unfortunately for himself, was a violent party man, and was prudent neither in his conduct nor associations; the affidavit of William Conolly, herewith transmitted, does not give an exalted opinion of his loyalty or attachment to his country, seeing he was using his influence to encourage Her Majesty's subjects to take lands on the Arro Islands, under the United States, thereby aiding and abetting the contemplated encroachments of that Government on Her Majesty's territories.

I have, &c.
(signed) *James Douglas*, Governor.

Enclosure 1, in No. 2.

Victoria, Vancouver Island,
11 January 1854.

Encl. 1, in No. 2.

May it please your Excellency,

1. We, the undersigned, holding landed property, or otherwise interested in the welfare of the colony of which you are Governor, beg leave to protest against the tenor of a petition

petition recently addressed to you, and praying you to annul the appointment of David Cameron, Esq., as Judge *pro tempore*, of a court of equity at Victoria.

2. We believe that but few of the subscribers to that petition have property at stake in the Island; that persons were instigated to sign it without having any real grievance to complain of, of whom not a few were absolutely unacquainted with the substance of the petition they signed.

3. We are convinced that you, with the advice of counsel, made the appointment in question, because you considered the institution of the office indispensable, and because you felt as we do, that David Cameron, Esq., a gentleman of business habits and considerable colonial experience, was the fittest man here of those not already professionally occupied to preside in such a court.

4. If that gentleman had committed any injustice, we presume, as a matter of course, an appeal to the Governor and Council would have met with proper attention, but so short was his tenure of office previous to the date of that petition, that he has had no equity cases to adjudicate upon, which circumstance alone must stamp the proceedings of the former petitioners as ill-advised and hasty in the extreme.

5. We are further of opinion, that if in this Colony, where there is perfect freedom of action, where life and property are as yet secure, where the market is so extensive and remunerative, and where the produce is so lamentably small, the labouring and industrious classes were to employ their time more in raising wheat and potatoes, constructing houses to live in, &c. &c., and suffer themselves less to be led away into discussions upon abstract political questions, all would gain by the alteration, progress become more decided, and foreigners and visitors, whose good opinion we respect, would say more for our common sense.

6. If the unreasonable clamour of a few individuals, who have little or no vested interest in the island, were found effectual to rescind important enactments framed expressly to protect property, we feel that law and order would be in jeopardy, and therefore sincerely hope that no personal feeling may induce David Cameron, Esq., to resign the duties of an office which we are satisfied he will do his best to exercise for the benefit of all.

7. Wishing your Excellency continued health and strength to govern with your usual forbearance and moderation, and with firmness and vigour when you are of opinion that the interest of the Colony require it,—

We beg to subscribe ourselves, with due respect to your person and office,

Your most obedient servants,

John Tod, Member of Council.	*E. E. Stuart.*
John Work, Member of Council.	*B. W. Pearse.*
Alexander Kennedy.	*George Simpson.*
Roderick Finlayson, Member of Council.	*Richard Golledge.*
William H. M'Neill.	*J. D. Pemberton.*
William F. Tolmie.	*Charles Dodd.*
William Leigh.	*Joseph Millar.*

And 40 other signatures, representing nearly all the landed proprietors in the Colony.

Enclosure 2, in No. 2.

Encl. 2, in No. 2.

WILLIAM CONOLLY deposeth, that on or about the 1st day of February 1854, that the Rev. R. J. Staines told him that he had no further need of his services, and asked him how he intended to employ himself, and that he told Mr. Staines he did not know.

He then inquired of Mr. Staines if he knew if San Juan Island was going to be given up to the United States Government. Mr. Staines replied he did not know how that would be, but that Colonel Ebey, the Collector of Customs in Washington territory, would be on San Juan Island in the following week, to take possession of it in the name of the Government of the United States.

He then consulted with Mr. Staines, and asked him if it would not be well for him if he went to San Juan Island, and took possession of some land before Colonel Ebey arrived, in order to secure the pre-emption right. Mr. Staines said it would be a good speculation, and seemed to wish him to go, saying that he would supply him with provisions, &c., enough for a month, to enable him to do so. Upon the 4th of February, Mr. Staines sent for him into his room, and in the presence of Mr. Swanston gave him an order upon the person in charge of the Hudson's Bay Company's provision store, for one bag flour, 2 lbs. of tea, 12 lbs. sugar, and 20 dried salmon, to proceed to San Juan Island with, and take possession of land.

(signed) *William Conolly.*

Taken before me,
(signed) *John Work*, Member of Council.

Witness. (signed) *Richard Golledge.*
Charles Dodd.

Victoria, 15th March 1854.

— No. 3. —

No. 3.
Governor Douglas to the Right Hon. H. Labouchere. 15 Sept. 1856.
* Page 46.

EXTRACT of a DESPATCH from Governor *Douglas* to the Right Hon. *Henry Labouchere*; dated Victoria, Vancouver Island, 15 September 1856 (No. 23).

"I HAVE the honour to acknowledge the receipt of your Despatch, No. 12* of the 8th of July last, transmitting copies of a correspondence with Mr. Robert Swanston, of San Francisco, relative to the selection of Mr. Cameron for the office of Judge of the Supreme Court of Vancouver Island.

"I feel deeply obliged for the highly becoming and pointed reply to Mr. Swanston's communications, of which you have favoured me with a copy, and appreciate the support thereby given to my administration.

"Mr. Swanston's friends are few in number, and certainly do not represent the respectable part of this community, nor their real wants and sentiments."

— No. 4. —

No. 4.
Governor Douglas to the Right Hon. H. Labouchere. 28 July 1857.

EXTRACT of a DESPATCH from Governor *Douglas* to the Right Hon. *Henry Labouchere*; dated Victoria, Vancouver Island, 28 July 1857 (No. 25).

(Answered, No. 14, 6 November 1857, page 49.)

"I TAKE this opportunity of requesting you to inform me of the amount of salary or emolument which Mr. Cameron is annually to receive from Her Majesty's Government, for his services as Chief Justice, and to direct how I am to draw for payment of the same.

"May I trust that Her Majesty's Government will take that matter into their early and favourable consideration, as Mr. Cameron is clearly a zealous and most useful public servant; and having no private fortune of his own, he naturally looks to his profession for the support of himself and family."

— No. 5. —

(No. 3.)

No. 5.
Governor Douglas to the Right Hon. H. Labouchere. 22 January 1858.

COPY of a DESPATCH from Governor *Douglas* to the Right Hon. *Henry Labouchere*.

Victoria, Vancouver Island, 22 January 1858.

(Answered, No. 2, 30 April 1858, page 49.)

Sir,

* Page 49.
† Page 42.

1. I HAVE the honour to acknowledge the receipt of your Despatch, No. 14* of the 6th of November last, in reply to my Despatch of the 28th of July,† in which I requested your instructions as to the amount and payment of the salary to be assigned to Mr. Cameron, the Chief Justice of the Supreme Court of Vancouver Island, and I observe that you have referred the question to the Hudson's Bay Company, with whom it appears the decision rests.

2. As Mr. Cameron received his appointment from Her Majesty's Government, and as it is obviously conducive to the best interests of the Colony, and to his efficiency as judge, that he should be placed in a perfectly respectable and independent position as to the emoluments of his office, may I request the support of Her Majesty's Government in favour of any measures having that object in view, which may be hereafter proposed by the Hudson's Bay Company.

I have, &c.
(signed) *James Douglas*, Governor.

DESPATCHES FROM THE SECRETARY OF STATE.

— No. 1. —

(No. 3.)

No. 1.
Right Hon. Sir G. Grey, Bart., to Governor Douglas.
20 August 1854.

COPY of a DESPATCH from the Right Hon. Sir *George Grey*, Bart., to Governor *Douglas*.

Downing-street, 20 August 1854.
(Answered, No. 42, 11 December 1854, page 38.)

Sir,

I HAVE to transmit to you the copy of a Petition to the Queen, together with the copy of a Memorial addressed to the Duke of Newcastle by certain inhabitants of Vancouver Island, complaining of the composition of the recently established "Supreme Court of Civil Justice," and of other matters affecting the good government of the Settlement, and I have to desire you to furnish me with your early report upon these complaints. 20 April 1854.

I have, &c.
(signed) *G. Grey.*

Enclosure in No. 1.

Encl. in No. 1.

Your Grace, Victoria, Vancouver Island, 20 April 1854.

A CATASTROPHE of the most melancholy kind has rendered it imperative on us, as a committee elected to act in the matters on which we have the honour of addressing you, by our fellow colonists, to wait upon your Grace with the prayers of the independent residents of this island for protection from the arbitrary and unconstitutional enactments of the present Governor.

Situated as we are at so great a distance from the Imperial Government, and feeling that the most certain and speedy way of laying a clear statement of our grievances before your Grace would be by securing the presence in England of some member of our community to whom we might entrust our cause, the colonists, at a meeting held on the 4th February ultimo, for the purpose of arranging the preliminaries of the proposed step, unanimously selected the Rev. R. J. Staines, Chaplain to the Hudson's Bay Company for this island, as the most proper person to proceed to England for the purpose of waiting on your Grace.

This gentleman, at the earnest request of the colonists, undertook the commission, and sailed hence for San Francisco, *en route* to England, on the 1st March (ultimo), but never, as it has pleased the Almighty, to reach his destination, the vessel having been discovered some short time since by a passing ship, in a water-logged state, and but one of the crew surviving to tell the sad state of his fellows.

Deeply regretting, as we do, the untimely end of one who had the interests of our infant community so much at heart, and than whom, none could more efficiently have depicted the crushing effect of the incubus under which our energies are paralyzed, we, at the same time, are so well assured of your Grace's earnest wish, as ever shown for the protection of the true interests of this Colony, that in laying before you the documents with which our delegate would have been charged, we do so with a perfect confidence that they will meet from your Grace every consideration and attention their importance entitles them to.

We have, &c.
(signed) *James Cooper*, M.C.
Edward E. Langford, J.P.
Thomas James Skinner, J.P.
Wm. Banfield.
James Yates.
Committee elected by the Colonists.

His Grace the Duke of Newcastle,
Her Majesty's Secretary for the Colonies,
&c. &c. &c.

Sub-Enclosures.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, being inhabitants of the Colony of Vancouver Island, in approaching the foot-stool of your Throne, humbly beg leave to express

express our unshaken fidelity and devoted attachment to your Majesty's Royal person and family, and the constitution and laws of our beloved country, over which your Majesty so benificently reigns.

Groaning as we do under grievances inflicted by the local government of this Colony of Vancouver Island, we gratefully revert to the consolatory reflection that it has been your Majesty's gracious and wise disposition and practice to promote the real happiness of your subjects, and redress, as soon as known, their actual causes of complaint, which are indeed the great end and chiefest pleasure of the exercise of Sovereignty.

We trust your Majesty will not deem us guilty of impertinence in respectfully but emphatically asserting that there can be no sound basis for happiness amongst a people where the courts of justice are not pure, efficient, and reliable. We regard this as a fundamental maxim of government, unshaken and eternal.

It is our most anxious wish to have the laws of our country ably and impartially administered amongst us by men of adequate integrity, ability, learning, and experience, in whom we can repose our entire confidence, and towards whom we can cordially extend our deserved respect.

We, therefore, most humbly entreat that your Majesty would graciously cause a strict inquiry to be immediately instituted into the circumstances of the recent creation of a court, entitled "The Supreme Court of Civil Justice" for Vancouver Island, by the Governor and Council thereof, and the appointment of Mr. David Cameron, the Governor's brother-in-law, as judge of the same; which we, your Majesty's loyal and devoted subjects (as we now hereby solemnly declare that, whilst it be allowed to continue, we cannot consider our safety to depend upon our innocence, or the rectitude of our cause), cannot but complain of as a most injurious and intolerable grievance, a grievance which we humbly beseech your Majesty, for the good of your loving and peaceful subjects, and the sacred cause of justice, speedily, of your Royal goodness, to remove.

And your petitioners will, as in duty bound, ever pray.

(signed) *James Cooper*, M.C.,
and by 69 others.

Victoria, Vancouver Island,
1 March 1854.

To His Grace the Duke of Newcastle, Her Majesty's Secretary of State for the Colonies.

The respectful Memorial of the undersigned Inhabitants of the Colony of Vancouver Island.

Humbly showeth,

1st. THAT it is their anxious desire to call your Grace's serious attention to the circumstances attending the creation, by the Governor and Council of this Colony, of a court styled the "Supreme Court of Civil Justice for the trial of all causes in Law and Equity, when the amount in dispute is of the value of 50 *l.* sterling, and upwards," and the appointment as judge presiding in the said court of Mr. David Cameron, brother-in-law to the Governor of the Colony; for that if this appointment be allowed to stand, your memorialists cannot feel themselves safe either in liberty, in property, or in any other respect where safety depends upon the due and impartial administration of justice.

2d. That the said Mr. David Cameron, besides the improperly close family connexion with the Governor, is not a lawyer by profession, and has exhibited notorious and gross partiality, acrimony, malice and indecorum in the capacity of justice of the peace, to such a degree as to have roused the extreme disgust and indignation of the community, and to have brought contempt upon the judicial office; that he is, with the exception of the aforesaid display of his character, an utter stranger to the Colony, having arrived only eight months since from the former slave colony of Demerara; that the community know nothing to recommend him for the appointment save the family connexion before mentioned; that two of the four members of Council have acknowledged that it was solely to this circumstance that the fact of his appointment was owing.

3d. That, moreover, the said Mr. David Cameron holds a commercial situation as clerk of the Honourable Hudson's Bay Company's coal mines at Nanymo, transacting all the business of selling the coals from the said mines, in the transaction of which business, as might be expected, there have been disputes already, so that it might not improbably fall to Mr. Cameron's lot, as judge in a court of equity, alone to adjudicate upon contested cases in which he himself was a principal party.

4th. That this appointment was made on the 2d December last, in the midst of a case which has, through Mr. Cameron's means, obtained great notoriety, not only in the Colony, but in the neighbouring countries, wherein he laboured strenuously to defeat the ends of justice, convict the innocent, and screen the guilty, contrary to all the probabilities of evidence, and as it has accordingly turned out in the issue, contrary to all truth, an issue which was brought about only by the most unflinching opposition to his most vehement exertions on the side of knavery; an issue also which was contributed to by persons in the capacity of grand and petty jurors, from the mere strength of evidence, and the absolute intrinsic merits of the case; which persons nevertheless, being in the service of the Honourable

263

Honourable Hudson's Bay Company, and under the influence of the Governor in the capacity of chief factor and member of the board of management of the aforesaid Company, and having promotion in the Company's service at his command, have, contrary to the effect of their own finding and verdict on oath, signed an address, stating that they feel, as the Governor does, that he is the fittest person for the office of those not already professionally occupied.

5th. That his Excellency the Governor was informed, both by magistrates and in an address signed by a large number of the people, all interested in the welfare of the colony, and in the purity and efficiency of the courts of justice, of the illegality of the appointment, and of Mr. Cameron's personal unfitness, as proved by his conduct, for that office, even were the appointment not illegal; that he refused to listen to their arguments or remonstrances, saying that he did not recognise as colonists any persons who were not landed proprietors, and denying the right to speak on such a subject to men of intelligence, commercial interest, and industrious pursuits, who have come among us with the desire of permanently settling if they found the prospects good, but who would not blindly invest their property in land in the colony before they saw whether the administration of the Government were able, just and impartial, and whom the present system is accordingly, as your memorialists believe for the sake of securing a monopoly it was designed to do, driving away to seek in other lands a permanent home, and carry on their operations where they can dwell in safety.

6th. That the only member of Council who is unconnected with the company, and who was appointed M. C. by the former Governor, Blanshard, having unwittingly been betrayed into acquiescing in this appointment, from its being hurried through the Council, and passed all in one day, and having on reflection perceived its impropriety, had a personal interview with his Excellency the Governor on the subject, when he still persisted in maintaining the appointment, saying he would give way for nobody, and when it was mentioned to him that the people would probably address the Imperial Government, that they might do what they liked; that not satisfied with this effort, the same gentleman subsequently addressed to his Excellency a note, to which he has never received any reply.

7th. That your memorialists, not being able to give up in this way their just rights, not being ready to sacrifice their dearest interests to the overbearing and reckless assertion of a lawless and arbitrary power, wielded, as they think, not solely with a view to, and certainly not, they are assured, with an operation for, the benefit and credit of the colony, and being convinced that Her Majesty's Government needed only to be informed, with accuracy, of their real grievances, in order to redress them, in public meeting determined to appoint a representative to convey to your Grace personally, on their behalf, the statement of the wrongs inflicted upon them, and of the grievances under which they are deeply suffering, that they accordingly have appointed the Rev. R. J. Staines to this office, whom they have commissioned to express to your Grace how deeply they feel that this application to your Grace's sense of justice will be of the most decisive effect, for the weal or the woe of this colony, for its hopeful progress or its desperate retardation, this being, as they conceive, the critical point and period of its history; and finally,

That, relying on your Grace's readiness to do them justice as soon as you are made aware of their sufferings, they earnestly beseech your Grace, for that end, to inquire into all the facts and circumstances of the case, and subject them to the most rigid scrutiny.

And your Memorialists, as in duty bound, will ever pray.

(signed) *James Cooper*, M.C.,
and by 69 others.

Victoria, Vancouver Island,
1 March 1854.

— No. 2. —

(No. 8.)

Copy of a DESPATCH from the Right Hon. *H. Labouchere*, M.P., to Governor *Douglas*.

No. 2.
Right Hon. H. Labouchere, M.P., to Governor Douglas.
26 April 1856.
* Page 37.

Sir, Downing-street, 26 April 1856.

With reference to your Despatch, No. 2,* of the 7th January 1854, transmitting an Act passed by your Council to establish a Supreme Court of Civil Justice, and to the correspondence which has since passed on the subject, I now transmit to you an Order in Council for the same purpose.

2. Mr. Cameron will be appointed chief justice, and the warrant for that purpose will be transmitted to you with as little delay as possible.

3. Criminal jurisdiction has not been included. Your Despatch, No. 11, of the 25th July last, shows that you have not felt any difficulty as yet on this score, and as soon as you have assembled the lawful legislature of the colony, as directed by my Despatch, No. 5, of the 28th February last, you will be able to make such further provision for the purpose as you may consider advisable.

I have, &c.
(signed) *H. Labouchere.*

— No. 3. —

No. 3.
Right Hon. H. Labovchere, M.P., to Governor Douglas.
5 May 1856.
* Page 45.

(No. 9.)
EXTRACT of a DESPATCH from the Right Hon. *H. Labouchere*, M.P., to Governor *Douglas*; dated 5 May 1856.

"REFERRING to my Despatch, No. 8,* of 26th ultimo, I transmit to you, herewith, a Warrant under the Royal Sign Manual, authorising you to pass Letters Patent under the Public Seal of Vancouver Island, appointing Mr. David Cameron to the office of Chief Justice of that Colony."

— No. 4. —

No. 4.
Right Hon. H. Labouchere, M.P., to Governor Douglas.
8 July 1856.

Mr. Swanston.
4 January 1856.
C. O. 1 July 1856.

(No. 12.)
COPY of a DESPATCH from the Right Hon. *H. Labouchere*, M.P., to Governor *Douglas*.

Sir, Downing-street, 8 July 1856.

I TRANSMIT, for your information, copies of a correspondence with Mr. Robert S. Swanston of San Francisco, relative to the selection of Mr. Cameron for the office of Judge of the Supreme Court of Vancouver Island.

I have, &c.
(signed) *H. Labouchere.*

Enclosure 1, in No. 4.

Encl. 1, in No. 4.

My dear Sir, San Francisco, 4 January 1856.

I ARRIVED on the 29th ultimo from Vancouver Island, where I have been staying since I last addressed you; the residents, as a last effort to save the colony, have begged of me to apply in the strongest terms to you to exert what influence you can bring to bear in their favour; enclosed I send you such documents as they were enabled to furnish me with. The copies of the memorials to the Colonial Secretary, the House of Commons, and the Queen, forwarded last year, and of which you were to have been furnished with duplicates, having been in some way mislaid, it was decided to place you in the best position possible, and leave it to yourself to do what you can.

On my arrival at Victoria, I found that the colonists were so disheartened at the apathy and indifference shown by the Colonial Office in their grievances, that it required the strongest representations on my part to induce them to make one more effort, however weak, availing of your good offices; if one must die, it is well to die doing. The feeling existing in the colony is that the place is doomed; and there is every probability, if matters do not mend, of a general exodus shortly. I know of no fewer than six families who are preparing to leave this next summer. Once the move commences, it will be too late to attempt restoring confidence by any patching compromises.

I trust, that in writing you on the matter, and occupying your time, I am not taking any undue advantage of your kind offer of services in favour of Vancouver Island, and I sincerely hope that you may have the opportunity of doing something, however little, towards drawing the attention of the Government to that important place.

The colonists are all delighted at the idea of having convicts introduced, and they express themselves strongly as to the benefits likely to result to the island by such a measure.

The war is raging with unabated violence on the American shores of the Straits of Fuca; the farmers and their families have either been massacred or forced to fly into the little townships along Puget's Sound for protection. The Nisqually and Pugallup Indians (fishers) and the Klileatats and Yahemaspiane Indians are as yet the only tribes who have openly declared war, but they are using every effort of persuasion and intimidation to induce the adjoining tribes to side with them, and there is, I believe, but little doubt as to what will be the result of their machinations. As yet the Vancouver Island Indians are quiet, and apparently uninterested; but, from personal investigation, and through the agency of Indians in my pay, I have become cognizant of a state of feeling amongst them, which is not to be trifled with. The progress of the war is a matter of constant discussion with

with them, and the as yet successful efforts of the red skin is viewed with evident satisfaction; the Hudson's Bay Company have been furnishing the Americans with powder and arms, and also have tendered the use of their steamer on various occasions; this has not escaped the notice of the savages, and the belief is current amongst them at present that the King George Man (the British subject), and the Bostons (citizens of the United States), are allies, and that the ultimate destruction of the red skins is their object. The whites on Vancouver Island are placed in a very difficult position, a position that requires an abler man at the head of affairs than Mr. Douglas. *Nous verrons!*

I have been endeavouring to secure some Washington territory newspapers for you, but with small success. The call for volunteers there has been so urgent that editors and devils have been forced to take up the rifle and bowie knife, thus causing a cessation to the issue of "Gazette extraordinary." The accompanying newspapers from that quarter will, though somewhat soiled, I trust, not be unacceptable to you, and enable you to form a more correct idea of the state of affairs at the time of their issue than you can obtain by any other means.

The small bust herewith, though far from a favourable specimen of the talent of the Indian sculptor, will suffice to give you an idea of their ingenuity in the line. I have seen most beautiful work of this description by the Northern Indians, likenesses so striking as to be recognised at a glance.

The fall of the southern portion of Sebastopol was appropriately honoured here by the resident British and French; a medal was struck on the occasion, of which I forward you a specimen.

You will have noticed how successful our friend Walker is in Nicaragua; he showed wisdom in refusing the Presidency; the sympathy for him here is very strong; by every steamer volunteers flock to his standard; he has wealthy men at his back, as you may judge from the fact of an agent of his having within the last few weeks endeavoured to purchase a steamer, showing credits to the tune of 100,000 dollars.

Believe me, &c.
(signed) *Robert S. Swanston.*

Thomas Banister, Esq.,
5, Child's-place, Temple Bar.

Sub-Enclosures.

(No. 1.)

COPY of Enclosures, with Mr. *Swanston*'s Letter of 4th January 1856, to *Thomas Banister*, Esq.

My dear Sir, Vancouver Island, 20 December 1855.

THE accompanying letter to yourself, authorising you to inquire at the Colonial Office whether Her Majesty's Government are disposed to pay any regard to the prayers of the residents of this island, contained in the several documents fowarded to Downing-street in the early part of last year, and of which I herewith forward you copies, was presented to the five gentlemen who constitute the committee appointed by the colonists of this place, and was signed by three out of the five, to wit, by Messrs. Cooper, Yates and Banfield; the other two, Messrs. Langford and Skinner, though strongly approving of the measure, and thoroughly satisfied with the application to you, declined signing, because were it known to the gentlemen constituting the Honourable Hudson's Bay Company and the Puget Sound Company, it would seriously damage the interests of their families, and perhaps result in active measures against them which might entail ruin on those dependent on them.

No. 2.

You may thus judge of the crushing measures adopted by the Hudson's Bay Company against all efforts made to open the eyes of the Home Government to what is going on here. I cannot do better than conclude with a remark made last week by the senior Member of Council here, Mr. J. Tod, viz., that he was afraid of the Indians rising here *en masse*, as several tribes on the island who, ever since he knew them (for 20 years), have been leading a cat and dog life, have lately become firm friends.

I remain, &c.
(signed) *Robert S. Swanston.*

We have read the above, and vouch for the truth of what is therein stated.

(signed) *James Cooper*, M. C.
James Yates.

(No. 2.)

COPY of LETTER to *Thomas Banister*, Esq.

Dear Sir,

WE, the undersigned residents, colonists of this island, having been appointed a committee, at a public meeting held at this place on the —— February 1854, to draw up a petition to Her Majesty's Secretary for the Colonies, wherein we were to bring to the notice

notice of Her Majesty's Secretary the many disadvantages under which we are labouring, among the most prominent of which is the non-existence of a Court before which we can appear for the adjudication of cases in law and equity, and the necessarily great state of insecurity to our rights arising therefrom;

And the said petition having been delivered in Downing-street now nearly two years since, and as we still remain in the same deplorable position, and as we have been informed how much you appreciate, and how thoroughly you are aware of the important position this island holds, beg to forward you copies of the memorials and other papers connected therewith; and we pray you, should it be in your power, to aid us in securing the object of our prayers, and thus advance the interests of this portion of the British Empire.

We take this opportunity of drawing your attention to the bloody war that has just broken out at our very doors, between the American people residing in Washington and Oregon territories and the Indian tribes of those lands, and we trust you will be enabled to induce the Home Government to adopt such measures as may in some degree place us in a state to defend and protect our homes and families in time of need, as in the present position of the Colony we are most entirely helpless, and at the mercy of any hostile visit, being without the protecting presence of even one of the many of Her Majesty's ships which are now wintering at Valparaiso, Sandwich Islands, and San Francisco.

Though strangers to you, sir, we do not hesitate to pray your services in this our need, satisfied as we are that an Englishman is ever ready to hold out a helping hand to a brother countryman, more particularly when in so doing he is aiding to advance the power of their common country.

We remain, &c.
(signed) *James Cooper*, M. C.
R. Banfield.
James Yates.

(No. 3.)

To His Excellency *James Douglas*, Esq., Governor of Vancouver Island.

Sir,

We, the undersigned residents of Vancouver Island, having been made acquainted, through a proclamation issued by the local Government, and bearing date the 7th January last, that you have created a Court with powers exceeding those granted to the bench of magistrates who have hitherto dispensed justice, and that you have appointed Mr. David Cameron to the high position of judge of that Court, and have invested him with "jurisdiction over the whole Colony of Vancouver Island and its dependencies in all matters of law and equity where the amount in dispute is of the value of 50*l.* (Fifty pounds) and upwards," do most earnestly pray that you will well weigh and review the subject, and, taking into consideration our sentiments in the matter, will retract, before it is too late, a measure so obnoxious to the community at large.

You have appointed Mr. Cameron to a trust which, under all Governments, is reposed only in men of the highest repute for honour, honesty and impartiality—on men who, through a lifetime of unwearied and arduous application, have proved their ability in the honourable profession of the law—on men of the most acknowledged temperance and discretion, whose characters having been for years at the bar of public opinion, are adjudged worthy of the confidence of the country.

Mr. Cameron has barely resided six months amongst us, and in that brief space he has not so conducted himself as to have obtained the respect of the community; he, during the short time he has officiated as a magistrate, has most signally failed in impressing us with a sense of his integrity and uprightness; he has in that position proved himself most singularly rash and indecorous in his language; he has exhibited the most profound ignorance of the duties attaching to the commission of the peace, and is totally void of the little practical knowledge necessary to conduct the business of a magisterial court, as have made him a laughing stock, and indirectly brought scorn on the proceedings of the whole bench of magistrates. And this man, with whose previous career none of us who are so deeply interested in the securing of upright magistrates, are in the slightest degree acquainted, you have invested with powers which, when even in the hands of the approved and chosen of a nation, are sometimes harmful; we therefore most respectfully beg that you will, on reconsideration, alter your decision, and thus allay the painful excitement and alarm to which this proceeding has given rise.

We expressed our most unqualified satisfaction with the Court of Magistrates as originally constituted, and we do most unhesitatingly affirm that, in our opinion, the alteration that has been so lately effected in the hitherto existing arrangements of our courts of justice, will, in the present state of the country, but tend to serious inconvenience.

We at the same time do join most heartily in desiring that steps may be taken by the Government to obtain the assistance of a properly qualified legal adviser from England, whose duty, in addition to that of counsel to the local Government, will be to regulate and put upon a proper footing the courts of law of this island.

We have, &c.
Signed by 90 persons.

Enclosure 2, in No. 4.

Sir, Downing-street, 1 July 1856.

Mr. Thomas Banister, of No. 5, Child's-place, Temple Bar, placed in Mr. Labouchere's hands some month's ago, a letter which you addressed to the former gentleman from San Francisco on the 4th of last January,* requesting his intervention with Her Majesty's Government on behalf of certain inhabitants of Vancouver Island, who expressed themselves dissatisfied with the administration of justice there, and with the governor's selection of Mr. Cameron for the provisional office of judge. I am now directed to inform you that the representations therein made have not been overlooked by Mr. Secretary Labouchere, and that, in pursuance of a design for some time in contemplation, measures have been conpleted by Her Majesty's Government for establishing a Supreme Court of Civil Justice in the colony. For this purpose an Order of the Queen in Council was transmitted to Governor Douglas on the 26th of last April.

Encl. 2, in No. 4.

* Page 46.

With respect to the objection taken by certain inhabitants of Vancouver Island to the employment of Mr. Cameron in the capacity of judge, I am to inform you that Mr. Labouchere, having forwarded a copy of their memorial to the Governor, received from that officer a report which was, in his opinion, satisfactory; and that, in consequence, he has felt it his duty, in the absence of any more eligible person in the settlement, to recommend the Queen to nominate Mr. Cameron to the office of Chief Justice.

Mr. Labouchere trusts that the performance by this gentleman of his duties will be such as to remove any unfavourable opinion entertained of him in the colony.

I am, &c.
(signed) *J. Ball.*

Robt. S. Swanston, Esq.,
San Francisco.

— No. 5. —

(No. 14.)

Copy of a DESPATCH from the Right Hon. *H. Labouchere*, M.P., to Governor *Douglas.*

No. 5.
Right Hon. H. Labouchere, M.P., to Governor Douglas.
6 November 1857.

Sir, Downing-street, 6 November 1857.

I have to acknowledge the receipt of your Despatch, No. 25,* of the 28th of July, in which you request instructions as to the amount and payment of the salary to be assigned to Mr. Cameron, the Chief Justice of the Supreme Court of Vancouver Island.

* Page 42.

I have referred this question to the Hudson's Bay Company, with whom alone the decision rests, and they have apprized me that it is their intention to communicate with you on the subject by an early opportunity.

I have, &c.
(signed) *H. Labouchere.*

— No. 6. —

(No. 2.)

Copy of a DESPATCH from the Right Hon. Lord *Stanley* to Governor *Douglas.*

No. 6.
Right Hon. Lord Stanley to Governor Douglas.
30 April 1858.

Sir, Downing-street, 30 April 1858.

I have to acknowledge the receipt of your Despatch of the 22d January, No. 3,* requesting the support of Her Majesty's Government in favour of any measure which may be proposed by the Hudson's Bay Company for defraying the salary of the Chief Justice of the Colony.

* Page 42.

Having communicated with the Governor of the Company upon this subject, I learn from him that instructions (of which he has sent me a copy) were sent to you upon it in November last. It appears to be the opinion of the Company, from which I do not myself see reason to dissent, that it should devolve upon the local legislature to provide the means of defraying the salary of the Chief Justice, and I trust that you will be enabled to secure a proper provision for him from that source.

I have, &c.
(signed) *Stanley.*

Appendix.

APPENDIX.

No. 1.

No. 1.
T. Banister, Esq. to the Right Hon. H. Labouchere. 2 May 1856.

Thos. Banister, Esq., to the Right Hon. *H. Labouchere.*

5, Child's-place, Temple Bar, 2 May 1856.

Sir,

In consequence of my noticing the appointment of Mr. David Cameron to the office of Chief Justice of Vancouver Island, I have addressed a letter to the parties of that settlement who brought that gentleman's name under your notice.

A copy of that letter I take leave to enclose to you, and

I have, &c.
(signed) *Thomas Banister.*

Enclosure in No. 1.

Encl. in No. 1.

5, Child's-place, Temple-bar, London, 1 May 1856.

Gentlemen,

On the 29th of February last, I addressed Mr. R. S. Swanston on the subject of the petition to the Secretary of State (which was delivered at the Colonial Office now two years since), and the documents committed to my charge by Mr. Swanston at your request early this year.

Copies of the documents entrusted to me, as I therein stated, were placed by me in the hands of Mr. Labouchere; he told me they should have his consideration, and I have expected, not unreasonably, some communication from him thereon; no communication, however, has been made to me; but I perceive in the papers of yesterday, that a Mr. David Cameron has received the appointment of Chief Justice of Vancouver Island; and as I have ascertained that this gentleman is the person whose unfitness for high office you complained of, and brought under the notice of the Minister, I conclude that Mr. Labouchere not only attaches no weight to your petition, and to the statements contained in the documents placed in his hands, but that, to show his sense of the case, he submitted the name of Mr. David Cameron to Her Majesty, as belonging to a gentleman eminently qualified to do credit to the Bench as a lawyer and a gentleman, and therefore deserving of so high a trust as that conferred upon him by Her Majesty on his recommendation.

The Secretary of State would not thus have compromised himself and the British Government by his full approval of Mr. Cameron's judicial conduct and otherwise, if he believed there was substance in the charges brought under his notice by you and the colonists, whose interests are so deeply involved that the person filling such an office should be above reproach. It is clear the Secretary of State, with your remonstrances before him, is now responsible for his conduct.

Under these circumstances, it will be for you to consider what step it may be proper for you and the colonists to take. I can only regret that documents containing such heavy charges against Mr. Cameron should have been entrusted to me to lay before the Government unless there are sufficient grounds; I am bound to suppose from the act of the Minister, that there are not sufficient grounds, and thus it falls back upon you to maintain the charges or to abandon them.

Should you and the colonists therefore still be of opinion that the charges made and general allegations are true, and that their interests will be seriously affected, and the credit of the British Government compromised by Mr. Cameron receiving from the Crown, on the recommendation of the Minister, honour, when, as you allege, he merits the reverse, the only course which appears to me open to you is to get some Member of Parliament to bring the case before the House of Commons by petition, that British subjects may know that such wrongs to the community as those of which you complain, if supported by evidence, shall not be permitted to remain unredressed, though they may have been permitted to continue by the Minister through indifference, negligence, or from any other cause, even in so weak and remote a Colony as Vancouver Island and its dependencies, to the great scandal of the British Empire.

In conclusion, I beg to add that I shall transmit a copy of this to Mr. Labouchere.

I received a few days since a letter from Mr. Swanston, informing me that he was to leave San Francisco for the Navigators' Islands on the 5th of March, the date of his letter, and therefore I enclose this to the care of a merchant in San Francisco to be forwarded to you by the earliest opportunity.

I have, &c.
(signed) *Thomas Banister.*

James Cooper, M. C. Banfield, and James Yates, Esqrs.

No. 2.

H. Merivale, Esq. to *Thomas Banister*, Esq.

No. 2.
H. Merivale, Esq.
to T. Banister, Esq.
16 May 1856.

Sir, Downing-street, 16 May 1856.

I AM directed by Mr. Secretary Labouchere to acknowledge the receipt of your letter, dated the 2d instant, enclosing the copy of one which you have addressed to Messrs. Cooper, Banfield and Yates, of Vancouver Island, relative to the appointment of Mr. David Cameron to the office of Chief Justice of that settlement.

I am, &c.
(signed) *Herman Merivale.*

No. 3.

J. Ball, Esq., M.P., to *Thomas Banister*, Esq.

No. 3.
F. Ball, Esq., M.P.,
to T. Banister, Esq.
1 July 1856.
*Page 49.

Sir, Downing-street, 1 July 1856.

I AM directed by Mr. Secretary Labouchere to enclose you the copy of a letter* which he has addressed to Mr. Swanston, of San Francisco, in consequence of the representation which you made to Mr. Labouchere in February last, relative to the affairs of Vancouver Island.

I am, &c.
(signed) *J. Ball.*

No. 4.

Thomas Banister, Esq. to the Right Hon. *H. Labouchere.*

No. 4.
T. Banister, Esq.
to the Right Hon.
H. Labouchere.
2 July 1856.
* Page 51.

Sir, 5, Child's-place, Temple Bar, 2 July 1856.

I HAVE had the honour to receive your letter of yesterday's * date, with its enclosure, viz., a copy of a letter addressed to Robert S. Swanston, Esq., and I hope I may be permitted to remark that it did not appear to me that the inhabitants of Vancouver Island expressed themselves dissatisfied with British courts of justice, but that they were with the conduct of the individual appointed to preside over those courts as Chief Justice. I anxiously trust the very high estimate you entertain of his abilities may be fully realised, otherwise I much fear that dissatisfaction may be manifested in a manner by no means agreeable to those administering the affairs of the Colonial Office in this country.

I shall feel it incumbent upon me to forward this reply, with your communication, to the gentlemen at Vancouver Island, inasmuch as Mr. Swanston having left that part of the world, as communicated to you by me in May last (on my noticing in the Gazette Mr. Cameron's appointment), the purport of your letter to him might be unknown to them, through him, for an indefinite period.

I have, &c.
(signed) *Thomas Banister.*

No. 5.

Thomas Banister, Esq. to the Right Hon. *Henry Labouchere.*

No. 5.
T. Banister, Esq.
to the Right Hon.
H. Labouchere.
16 January 1857.

Sir, 5, Child's-place, Temple, 16 January 1857.

I HAVE the honour to transmit you a copy of a letter I have received from Vancouver Island by the last mail, referring to the matter brought under your consideration last year at the instance of the colonists of that Colony. This communication acknowledges the receipt of a letter from me of the 10th of July 1856, referred to in the copy of my letter to them of the 8th of November last, a copy of which I beg also to transmit to you.

2 November 1856.

I have, &c.
(signed) *Thomas Banister.*

Enclosure 1, in No. 5.

Encl. 1, in No. 5.

Sir, Vancouver Island, 2 November 1856.

I BEG to acknowledge receipt of a communication received from you, dated 10th July 1856, and have to thank you on behalf of myself, and others interested, for the trouble you have taken.

A packet, addressed to you, was forwarded from this place in reply to your former letter, containing such evidence that we think conclusive to substantiate our just cause of complaint of the propriety of the appointment of Mr. Cameron to the very high office of judge.

The Colony of Vancouver Island under the present rulers is now at the lowest ebb; in fact, all who can wind up their affairs, are preparing to do so, myself among the number, for the colonists have lost faith with the Government, when, notwithstanding our remonstrances, such appointments are forced upon us.

It is my intention (God willing) to be in England next April or May, when I shall have much pleasure in waiting upon you.

I have, &c.
(signed) *James Cooper*, M.C.

Thomas Banister, Esq.

To the letter accompanying the packet referred to in the above letter, I replied as follows:—

(No. 27.)

London, 5, Child's-place, Temple,
8 November 1856.

Gentlemen,

I HAVE had the honour to receive this day your letter of the 20th of September, to which is attached a copy of one from Mr. Cooper of the 23d of January 1854, as are also several other papers.

I find that your letter, though it acknowledges the receipt of my letter of the 1st of May, yet that my communication of the 10th of July, with its enclosures, had not been received by you. I think it important that I should have from you a reply to my letter of the 10th July, as you will then have had before you everything that has taken place in this matter before I communicate with any Member of Parliament.

It may also possibly occur that Mr. Cameron's course may have been such since the acts of which you complain (and I notice that they are of rather an old date), as to induce you to reconsider whether you will persevere in submitting that he is an improper person for the office which the Secretary of State, as I have informed you, has approved of his filling.

I wait your next letter with some anxiety, and I will act upon your wishes.

I should have preferred that the documents should have been officially verified by a notary public, or some official person, so that no exception could be taken against them, for it may be that a Member of Parliament may not like to present them supported as they are.

I remain, &c.
(signed) *Thomas Banister.*

To James Cooper, M.C., Edward E. Langford, J.P.,
William Banfield, James Yates, Thomas James Skinner, Esqrs.

Enclosure 2, in No. 5.

Encl. 2, in No. 5.

Sir, Downing-street, 31 January 1857.

I AM directed by Mr. Secretary Labouchere to acknowledge your letter and its enclosures of the 16th instant, relative to the appointment of Mr. Cameron as Judge of the Supreme Court of Vancouver Island.

I am also to acknowledge the receipt of your further letter of the 20th instant, on the subject of the establishment of a railroad through the British North American territories to the Pacific.

I am, &c.
(signed) *J. Ball.*

Thomas Banister, Esq.