

RETURN

Return to an Address from the Legislative Assembly, dated 20th January, 1873, requesting copies of any correspondence between the Provincial Government and the Chief Justice respecting the disposition of the Reports of Grand Juries to be laid before the House.

By Command.

JOHN ASH,

Provincial Secretary.

21st January, 1873.

Chief Justice Bogbie to the Colonial Secretary.

VICTORIA, December 29th, 1871.

SIR,—I beg to hand you, for the information of His Honor the Lieutenant-Governor the enclosed presentment which was made to me by the Grand Jury at the recent Nanaimo Assizes:

1. The inadequacy of the Police Force, consisting of one man, for a port and town like Nanaimo, with a gaol, and with the annexed extensive district of many miles of coast, and scattered settlers, is too obvious to require one word of comment, I believe also that from your own personal observation you are sufficiently aware of the circumstances to have formed the same opinion as the Grand Jury. I am sorry to say that there is reason to believe the criminals in many thefts and other offences in Nanaimo escape detection.

2. It is difficult, without a minute description or personal inspection, to form an idea of the gaol. It seems to unite most of the inconveniences, and to be wanting in every requisite, of a place of safe custody. It would be impossible for any number of constables to get an obstreperous prisoner inside, without having first reduced him to a state of insensibility; the only door being at the top of a narrow set of steps 5 or 6 feet high, where only 2 men can advance at a time, and without the slightest handrail—while on the other hand, any prisoner of ordinary bulk and activity (say, capable of walking 4 miles in an hour) could if allowed access to the lavatory or latrines (within the building) place himself on the outside and take with him if he choose a reasonable sized portmanteau in 20 or 30 seconds (estimated). The place must from time to time in every ordinary winter be utterly uninhabitable by any human being. From every side objects of considerable bulk can with the utmost facility be projected into the interior; and from one side into the interior of every cell. A chain and post in the open air might probably be infinitely more comfortable and secure.

3. The repairs and alterations at the Court House, so as to make it weather-tight and better adapted for its present purposes, are, though important, of a very slight nature; probably \$50 or \$60 might suffice.

4. The state of the landing place, mentioned by the Grand Jury, deserves, in my opinion, early and practical attention. Here again the cost would be very light; the present place might be probably made safe for a few dollars, by simply restoring the broken planks. What the cost of complying with the Grand Jury's suggestions would be, I am quite unable to say; but probably it would be no large sum. The accommodation to the town and district, and indeed the necessity of even the present landing, is apparent from the fact that it is the only place for miles where even a canoe can land passengers dry-shod at all tides. Any officer of any of the men-of-war using the port could give a Report; but I believe that in this case also, Sir, your personal observation will support these remarks.

It is not of course for me to offer the slightest suggestion in reference to the above, but a casual observer might say, that if Nanaimo were a borough town, and no question of Admiralty rights intervened, the cost, at all events of any such boat-pier or additional constable should be defrayed from local sources—being used and intended wholly for local accommodation,—but that under the circumstances it might perhaps be arranged to place \$100 on the Estimates for meeting the third and fourth of the Grand Jury's presentments.

I have, &c.,
(Signed) MATT. B. BEGIE, C. J.

The Provincial Secretary to Chief Justice Begbie.

PROVINCIAL SECRETARY'S OFFICE.
January 5th, 1872.

SIR,—I am directed by the Lieutenant-Governor to acknowledge the receipt of your letter of the 29th ult., and to acquaint you that the presentment of the Grand Jury, at the recent Assizes at Nanaimo, therein transmitted, will be forwarded to the Chief Commissioner of Lands and Works for his attention.

I have, &c.,
(Signed) A. R. ROBERTSON,
Provincial Secretary.

Chief Justice Begbie to the Provincial Secretary.

COURT HOUSE, VICTORIA,
15th January, 1873.

SIR,—I have the honor to enclose, for the information of His Excellency the Lieutenant-Governor, the Grand Jury Report, made at the last Assize at New Westminster.

I have not any comment to make upon it, except this: that I am not at present aware of any case having ever occurred (though the Grand Jury appear to allege that there have been many) where a prisoner has had to await his trial for more than six months, owing to the irregularity of the dates fixed for the Assizes on the Mainland: or where, owing to the same cause, a Grand Jury have been unable to find a true bill. In fact, I do not think that the Assizes have been more irregular than the seasons, or the locality or statistics of population, or crime, or finance; all of which have to be dealt with, in order to approach a real uniformity, in a uniformity of utility. A date or a programme of one year may be impossible or useless in another.

The water supply mentioned by the Grand Jury would probably be, so far as I am entitled to any opinion, a very useful and economical expenditure; but I do not know that this, or indeed any of the suggestions made by the Grand Jury is within the powers of the Provincial Government. It seems rather within the functions of the Dominion authorities, and I have been in doubt whether I ought to trouble you with this presentment at all.

I have, &c.,
(Signed) MATT. B. BEGIE, C. J.