The Weekly British Colonist.

Tuesday, September 12, 1865.

TWO MONTHS' EXPERIENCE OF AN ORACLE.

One of the peculiarities of the ancient oracles was their ambiguity. When a certain monarch, on the eve of battle with a powerful nation, consulted his oracular deity as to the results of the conflict, he was told that a great nation would fall. The vanity of the questioner led him to interpret the prediction to his own especial advantage, and he concluded that his enemy was about to be delivered into his hands. When, however, the opposite result took place, and he became the conquered instead of the conqueror, he was wrathful with the oracle, and attributed his misfortune to its false assurance. The oracle, however, proved itself right; for a great nation did fall, although, unhappily for the superstitious monarch, it was his own. Our morning contemporary, it would seem, is guided by a similar ambiguous deity, and in consequence has fallen into sad misfortunes. The people of Victoria demand the forcible removal of the Church Reserve fences, and the *Chronicle* oracle says, "Don't go to law for the Bishop can buy you all up!" The people of course don't go to law—not exactly because the Bishop has got money, but because they are determined to force his lordship into the initiative, and our morning contemporary, with a scream of self-satisfaction, insists that they have done just "as we suggested." In order to clear up certain matters which appeared misty to the City Council, that body applies to counsel for legal opinion, and the *Chronicle*, concluding that the Council is thus going to law, at once suggests the idea of carrying the case into court, and again vociferates that the thing is to be done "just as we suggested." The Council, however, with the old determination, as expressed by the inhabitants at the public meeting, of compelling the Bishop to take the initiative, are not anxious for legal martyrdom, and call for a subscription to have the fences removed. This step the oracle considers as conclusive evidence of the preliminary preparation of engaging legal champions, and once more congratulates itself on understanding public opinion, and compelling the citizens to adopt the course which "it suggested." When, however, it discovers that the money is not for the lawyer but for the fence-remover, it is no way discomfited, but waiting until the injunction is served upon the Council, again pats itself upon the head for discovering that the matter is at last to be placed in a court of law, and that its excessive zeal for order is at length being appreciated. With a frantic flourish of trumpets it screams louder and more self-laudatory than ever, "just as we suggested." The injunction, however, becomes fruitless, and while the oracular cry is fresh on the morning air, the fences are taken down. We believe that the last blow would have floored the Delphic oracle in its most triumphant days, but our contemporary is made of elastic stuff, and it manages to find even in this matter something done by somebody that corresponds with "just what we suggested." On Friday, the very morning on which the fences were torn down, the amusing self laudation is thus kept up. "The COLONIST," says the oracle, "could not get up an excitement on the question of the title of the Church trustees, nor get the fences torn down in the Donnybrook style, *for the body of the public leaned towards the opinion of the Chronicle*, that the title was valid in law." One would have thought that by this time it would have got fairly sickened with its unfortunate predictions and self-glorification. Not so, however; the very next day it turns the worst of all its disappointments and blunders to good account. "We expressed the opinion," it says, "that the Council would not conduct this affair, with credit or profit to themselves or the city. To-day our words come true." Talk of the "irrepressible negro" after this. Why a very mountain of dead weight would not keep down such an elastic spirit. We have now arrived at the climax. In yesterday morning's issue we are told that application is about to be made to restrain the Bishop from "re-erecting the fences." "This is going the right way to work," says our *legal* contemporary. "After blustering and bullying and behaving like rowdies" [the day before they were a sneaking, stealthy lot that shunned the face of day] "the Council have at last been compelled to appeal to the law, *exactly what we have all along said* they would have to do in the end." There are two or three things which make this sentence rather funny In the first place it is totally incorrect—the Council are going to apply for no injunction; and in the second, to praise the action of the Council for trying to restrain the Bishop from re-erecting the fences looks very much like awarding credit to those who knocked them down, But as these parties are stigmatized by the same paper, for performing this service, cowardly ruffians or some such appellation, we can only come to the conclusion that the oracle has added inconsistency to its ambiguity and that "what we have have all along said" seems to be as far from being followed out as ever. Our contemporary is exceedingly unfortunate in always being on the unpopular and therefore detested side; but on this Church reserve question its unpopularity as well as its misfortunes would seem to have reached a climax. If anything in the world could show the utter powerlessness of a public journal it would be its last two months' experience; for during all that time, and in the midst of an excitemont of more than ordinary intensity, we do not believe a single one of its suggestions has been adopted, unless indeed we can allude to that suggestion which was given in its individual or private capacity to the police and which led to the astounding results of the capture of a City Councillor. So much for the Delphic oracle and "what it suggested."

ACCIDENTAL DROWNING—On Wednesday last an enquiry was held in the Court room by a number of our most respectable townsmen, in the absence of the local magistrate, into the cause of death of one Martin, a seaman belonging to the bark Carlotta, whose body had been found that morning in Millstone river. From the evidence it appeared that deceased and four other seamen were sent up the river with a scow to get a supply of water. When reaching a suitable place for their purpose, Martyn was landed to make fast a line, those on board proceeding to moor the scow to a boom in the river. That finished, they endeavored to reach the shore by means of some floating logs, in which attempt one of them, named Petersen, was precipitated into the water. He called on Martyn to come to his assistance. who essayed to do so, but treading on a slippery log, he also fell into the river. They both managed to get hold of a plank, which turned over with them, and poor Martyn sank, and was seen no more. Petersen with difficulty managed to keep afloat until a line was thrown him, when he was hauled ashore in an exhausted state. The rest of the party made every effort to save their shipmate but without success. What makes the matter more singular, the part of the river where the accident occurred has not a depth at any time of over five feet; and the witnesses all agreed as to the fact of deceased being perfectly sober at the time of the unfortunate event. The result of the enquiry was "accidental death from drowning."—*Nanaimo Gazette.*

FROM NANAIMO.—The steamer Emily Harris, Captain Chambers, arrived Monday at 9 o'clock from Nanaimo and the Settlements with about 15 passengers and some freight. We have the *Gazette* of yesterday. The shipments of coal for the month of August amounted to 4263 tons, the largest quantity exported in any previous month and Nanaimo is pronounced by the *Gazette* to be in a most flourishing condition, a steady demand being all that is now needed to make its success sure. * * * The ships A.M. Lawrence, Joseph Jay and barks Joaquin and Carlotta were loading for San Francisco, and the returns of coal shipments for the month of September will, it is thought, be unprecedented in the annals of Nanaimo. * * * Sergt. Blake arrived on the 29th ult., and had arrested the first of a gang of whisky sellers named Ebenezer Bury. * * * A whale was seen at Nanaimo last week and after disporting itself freely for some time unmolested, departed for parts unknown. * * * The children of St. Paul's Sunday School, through the liberality of the Bishop of Columbia and other friends, enjoyed an agreeable pic-nic at Newcastle Point on Saturday. * * * The Institute Tea Meeting on Tuesday was a successful affair; about 60 persons attended, and able speeches were delivered by the Reverends White, Good and others.

CRACK RIFLE SHOOTING IN SCOTLAND.—The Montrose rifle gathering, the first of the Scottish Volunteers' shooting competitions, still continues to be one of the most popular for the excellence of the marksmen who enter for the prizes. The last contest, on the 20th June, however, eclipses all former efforts, the shooting being something extraordinary. For the benefit of our own Volunteer riflemen we furnish the following brief account of the tournament, taken from the London *Times* of June 22d:—"The chief feature in the proceedings was the contest for the 'Scotland cup,' carried off, it will be remembered, on the first occasion of the gathering, by Mr. Edward Ross. Since then the shooting has greatly improved, and the principal scores in the present contest are said to be the highest ever made in a puplic competition. The conditions of the contest for the cup were—seven shots at each of the following ranges, 700, 800 and 900 yards. Annexed are the highest scores—Sergeant Forbes, 6th Aberdeenshire, 28, 27, 26, total 81; Mr. Edward Ross, London Scottish, 27, 27, 23, total 77; the hon. Captain Arbuthnott, Kincardineshire, Captain Morison, Peterhead, and Captain Fordyce, 5th Aberdeenshire, made 74 each; the Earl of Aberdeen and Mr. Grant Peterkin, of Cambridge, following with 73 each. All these crack shots, with the exception of Captain Arbuthnott (Henry) used the Whitworth rifle. In a competition for a challenge cup among eight of the best marksmen present, at 800, 900 and 1,000 yards, Mr. Edward Ross stood first, with a score of 74. Forbes, the gainer of 'Scotland's cup,' is a brickmaker in the little village of Ellon, to the north of Aberdeen, and was one of the Scottish eight who shot for and won the Elcho Shield at Wimbledon last year. His score to-day was composed of 18 bull's eyes and 3 centres."

A COMPOSITOR IN LUCK.—The Provincial Typographical Association presented to the late secretary of the executive, at Sheffield, recently, a purse of £120, a valuable timepiece, a massive silver snuff-box, and a beautifully written address, framed, the gift of the united trade of England, Ireland and Scotland. Mr. Speke, the secretary is a compositor.

THE regular standing army to be retained by the United States Government will number 177,000, 50,000 to be colored troops.

VICE ADMIRALTY COURT.

[Before His Honor David Cameron, Esq., C. J. Judge and Commissary of the Vice-Admiralty Court V.I.]

ALEXANDRA AND FIDELITER.

Eighth Day.

MONDAY, Sept. 4th, 1865.

The evidence in the case of the Fideliter against the Alexandra having been concluded Mr Wood rose to address the Court. He said he would rely on the case of the "Cleopatra," the "Despatch" and the "Vivid" as reported in the regular reports. The "Vivid" established a principle with respect to the lamps, as evidence was given which may tend to show that the Alexandra's lights were not strictly protected by side shields or boxes as required by law. This would have rendered them amenable to Mr. Pemberton. Nothing had been stated about them as being conducive to the accident by reason of any alleged deficiency. The learned counsel referred to the case of the "Ann" to show that the plaintiff could not recover except under the allegations of his pleadings, and contended that the pleadings of the owners of the Fideliter would not allow them to adduce evidence of the helm of the Alexandra having been starboarded.

A slight discussion ensued as to the way in which the two cases were to be heard and His Honor stated that the evidence was now concluded in both cases, but that the two cases in other respects were distinct.

Mr. Wood then sat down saying that he would reserve his speech until he came to the Fideliter case.

Mr. Ring then commenced his reply on the case of the Alexandra. He quoted the rule of law respecting the necessity of both vessels porting their helms and argued that the ship not obeying the rule was wholly in fault. With reference to the allegation of the counsel for the Alexandra that the statement of the Alexandra being on the port bow of the Fideliter was untrue, the learned counsel referred to the evidence of the passengers on board the Fideliter whose statements must be received as having considerable weight from their being disinterested in every way. Could His lordship say, upon a review of the evidence, that the Alexandra was navigated with unremitting care and vigilance? Mr. Ring then quoted the case of the Atlantic, which was relied upon by the opposite side, and showed in how many respects it varied from the case now before the court. The Alexandra was within 200 yards when the Fideliter was just crossing her bow. Evidence had been given of the space in which the Alexandra could be turned. Capt. Coffin said it could have been turned in 150 or 200 yards; he says, also, that the distance which the two vessels were apart must be divided between the two. It is for the court to say whether there was not time for the Alexandra, if she had ported her helm, to have described a sufficient curve to have avoided the collision, or at all events to have reduced its force and extent. Whether or not it was incumbent on the Fideliter to check her speed is another matter for the court to consider and we have the evidence of the skilled witnesses that Capt. McCulloch did right in not slackening speed, and this skilled evidence has not been contradicted by the other side in any way. The case of the Atlantic, with all respect for the American judges, could not be made to apply in this case, which must be determined by English law alone. Mr. Ring called attention to the custom set up by the owners of the Alexandra for vessels of light draft to follow a particular course, and called the attention of the court to the evil effect which such a custom, being, as it is, in direct contravention of the law, would produce. How, said the learned counsel, is a vessel coming round Trial Island to know whether a vessel coming out of Victoria was of light burden or not, and whether she was going to take the outside or inside passage? The collision took place between Clover Point and Victoria harbor, not between Clover Point and Trial Island, consequently it mattered little whether or not the Alexandra intended to take the inside passage.

The Court here adjourned until two o'clock.

After the recess Mr. Ring continued his address:

His learned friend had quoted Atkinson on Shipping Edition of 54 as to rule of the road being no excuse for carelessness. That authority could not control the test of blame expressly given by Statute, viz., that the non-observance of the rule about porting was conclusive as to the party upon whom blame should rest [McLaughlin on Shipping—Ed. 62.] It was admitted that there was a time when the three lights of both steamers were visible each to the other, showing that the vessels were approaching end on. The learned gentlemen referred to the evidence given as to the lights being set and visible from each ship, and contended that the only inference was that they were approaching in a straight line (and not in parallel lines with an interval between sufficient to justify a departure from the rule, as had been attempted to be shown), which imposed upon each the necessity of porting their helms. The Fideliter was keeping her helm to port all the time, first a little then more, then hard aport and yet the Alexandra although admitting that she was 700 yards off instead of following the same rule was taking an opposite course. The interval of time between the Alexandra hearing the second whistle of the Fideliter, and the collision was 1½ minutes plus 4 seconds, during which time according to the evidence of the Alexandra, she was porting her helm. The evidence of the skilled witnesses showed that the porting of the helm for three-quarters of a minute would have enabled the Alexandra to have avoided the collision, but the angle of impact as shown by the models wholly disproved the evidence of her having so ported. He referred to the decision of Dr. Lushington in the case of the Cleopatra and Simlah, in which case the learned judge held that the two vessels were approaching within the meaning of the rule of the Act, although two and a-half points on the bow. (Mr. Wood interposed to remind the Court that the vessels were from two to three miles apart].

Mr. Ring next referred to the plan of the coast framed by Mr. Gastineau, and pointed out that this map must be recognized as an authority in this case as the opposing side had made no attempt to disprove its accuracy, although they had ample time and opportunity to do so. The learned gentleman reviewed the arguments set up by Mr. Wood, and after briefly stating his answer to each of the points raised concluded by referring the Court to the various authorities in support of his case upon which he had previously dwelt, and urging upon the Court to find that there had been a violation of the law on the part of the Alexandra.

Mr. Wood having briefly opened the case for the Alexandra against the Fideliter the Court adjourned till half-past ten this morning.

Ninth Day.

TUESDAY, Sept. 5th.

The Court was occupied all yesterday in hearing addresses from Messrs. McCreight and Ring in answer to the claim set up by the owners of the Alexandra against the owners of the Fideliter.

The learned gentlemen reviewed elaborately the whole of the lengthy evidence adduced in the previous trial as well as the different authorities which had been brought to bear on the case. The line of argument followed was similar to that advanced in the previous case, the gist of which was, that the two steamers were clearly proved to have been approaching one another within the meaning of the act which enforced upon each the necessity of putting their helms to port. That the Fideliter did so port her helm, and had been proved by the evidence of skilled witnesses to have been correct in so doing, and that the Alexandra by not following the prescribed rule when she first sighted the Fideliter—a distance stated in evidence to have been sufficient to have enabled her to have avoided the collision—was responsible for the damage which ensued, notwithstanding the attempt made to establish a dangerous custom not generally recognized for vessels of light draft to take the inshore passage.

The Court adjourned till 10 o'clock this morning when Mr. Wood will be heard in reply on the whole case.

THE ADMIRALTY CASE.—Mr. Wood yesterday addressed the Court at some length for the owners of the Alexandra, contending that the collision between the two steamers arose from the fact of the Fideliter not having ported her helm on first sighting the Alexandra. The learned gentleman commented freely upon the evidence of the skilled witnesses called by the Counsel for the Fideliter, quoting "Taylor on Evidence" to show with what reserve the testimony of skilled witnesses should be received as such witnesses were invariably actuated by a bias on behalf of those who called them. He drew the attention of the Court to the assumed position of the two steamers on the chart framed by Mr. Gastineau, explained the angles which they would describe by porting or starboarding their helms, and argued that the Alexandra had done all that was required of her to avoid the collision, and that the Fideliter was therefore to blame for the accident which ensued. In the course of his speech (which was a masterly one) Mr. Wood remarked that he had to contend against a national prejudice that had been brought to bear against his clients. This assertion was indignantly repudiated by the counsel on the opposite side, who declared that they had carefully refrained from allowing any national feeling to influence the case. Mr. Wood concluded his argument at 1:30 p.m. His honor said that he should require two or three days to peruse the evidence. Judgment will therefore not be pronounced probably before next week.

ITEMS FROM COWICHAN.

The following items of intelligence have been contributed by a gentleman from the Settlement:

The grain crop in this district bids fair for a prolific yield. The rain of last week acted beneficially on "roots" and did no damage to the cut grain. If, however, the weather continues wet the oats and barley down must soon suffer badly. On Bell's farm the potatoes were all killed in one night by the frost; with the exception of the potatoes, generally being small, the crop has not suffered through the Settlement.

Dr. Davie, Mr. Bell and Mr. Skinner are about to have "raising bees." The doctor has added to his farm by purchasing the adjoining section of an absentee proprietor and has now a most promising ranch. Great complaints exist throughout the district respecting the action (or rather want of action) of the Government in the matter of the Indian Reserve. Possibly when blood is shed and a feeling of enmity aroused, which will only cease with the extermination of one of the resident races, the Executive will act or at least promise to do so.

The district is now more fully supplied than formerly with the ministrations of the Gospel. The Rev. A. Browning, Wesleyan Minister, preached at Drinkwater's and Alexander's on Sunday last to two of the largest congregations ever seen in Cowichan.

The Schoolmaster, Mr. Lomas, is well liked, but the fact of the school being held in a building claimed by the Episcopal body (and from which they exclude the ministers of other denominations) clashes with the prospectus of the Board of Education. Perhaps Mr. Waddington will see to this sectarian irregularity.

The newly discovered silver lead on Cowichan Bay will soon be fully tested. Meanwhile Brennan, the discoverer, is most sanguine of his fortune being made.

A commodious Convent is nearly completed for the reception of the orphans and others now under the care of Bishop Demers in Victoria. When finished it will be the largest ecclesiastical building in the colony.

NEW WESTMINSTER.

(From the Columbian.)

FIRE—HOLY TRINITY DESTROYED.—About a quarter to 8 o'clock last night the vestry of Holy Trinity Church was observed to be enveloped in flames. The fire soon communicated with the main building, and so rapid was its progress that all hope of saving the church was abandoned, and all felt that the utmost that could be accomplished was to rescue from destruction the new tower and magnificent chime of bells. The fire engine was quickly brought into play, drawing a supply of water from the tank at the engine house; but, owing to the great elevation of the church above the fountain, the engine labored under complete disadvantage. Notwithstanding all this, however, it was soon made manifest that the devouring element must succumb to the energetic and determined efforts of the "Invincible Hyacks." The result was that in less than one hour from the time the fire broke out, three-fourths of the building remained a charred and grim monument of the extraordinary efficiency of the Fire Department. What remains will, we fear, prove of little value, as it is little more than a charred shell. We understand the church was insured to the extent of $5,000. The loss will probably exceed $8,000. The origin of the fire is involved in mystery. The destruction of Holy Trinity will be felt by all creeds and all classes of the community as a public calamity.

ANOTHER SILVER MINE.—We understand that a silver mine has recently been discovered in the vicinity of Hope; but, inasmuch as the discoverers wish to have their rights properly secured before making the matter public, we are unable to give any definite information, either as to the precise locality, or the probable value of the discovery.

A CHANGE FOR THE BETTER.—The Telegraph Company have leased the two vacant divisions of Mr. Holbrook's stone building, together with the warehouse underneath the entire building, for the accommodation of their business. The two apartments on Columbia street are being fitted up, one for the Company's store, and the other, the eastern one, for the telegraph offices.

CUSTOMS RECEIPTS for week ending Saturday, September 2, 1865: Duties (import), £387 10 8; do., (export) £450 5 1; harbor dues, £18 1 8; headmoney, £12 15; tonnage dues, £48 1; fees, £0 4. Total, £1,416 18 4. Number of passengers entering at this port during same period, 64.

TRADE STATISTICS OF VACOUVER ISLAND.

From the extra *Government Gazette*, published in this office by authority, we obtain the following valuable statistics: The total amount of business transacted in the colony for the six months ending June 30th 1865, was $2,356,506. Calculating on this as a basis, there is, on the trade of the ensuing six months, payable in advance, a tax of one-half of one per cent, producing $11,772 53, and an annual tax of $10, producing, with the special rate on professions, $11,062; total tax. $22834 53. The whole number of persons liable to the above tax is 538, of whom 23 are in Nanaimo, all the rest residing in Victoria and the adjoining port of Esquimalt. This number is divided into the following professions, trades, and other occupations:—Barristers, 4; solicitors. 9; bankers, 3; civil engineers, 8; architects, 5; auctioneers, 5; real estate agents, 8; opium dealers, 3; merchants and commission merchants, 28; produce dealers, 6; dry goods dealers, 2; boot and shoe dealers, 3; ironmongers, 4; general dealers, 19; wine and spirit dealers, 5; Indian traders, 9; stove dealers, 3; outfitters, 2; clothiers 12; tobacconists, 8; chemists and druggists, 10; haberdashers, 2; drapers and mercers, 9; hosiers, 1; upholsterers two, 2; milliners, 3; dressmakers, 1: clothes-cleaners, 2; washermen, (chiefly Chinese,) 24; washerwomen, 1; booksellers & stationers, 3; printers & publishers, 3; lumber dealers, 4; wood and coal dealers, 2; toy dealers, 1; tea dealers, 2; coffee dealers, 1; furniture dealers, 2; musical instrument dealers, 1; traders, 6; charcoal dealers, 1; grocers, 43; butchers, 8; pork do, 1; bakers, 22; confectioners, 2; fruiterers, 8; poulterers, 3; dairymen, 6; fishmongers, 3; hotel keepers, 6; restaurateurs, 6; boardinghouse keepers, 2; furriers, 1; carpenters, contractors and builders, 25; masons, 4; painters, 6; blacksmiths, 4; tailors, 11; carriage and wagon builders, 4; boat builders, 1; plasterers, 5; locksmiths, 1; cutlers, 2; coopers; 3; machinists, 2; turners 1; watchmakers and jewelers, 6; engravers, 2; tinsmiths, 4; leather pressers, 1; ship chandlers, 2; ship wrights, 1; ship builders, 1; ship owners, 3; wharfingers, 1; tent makers, 1; brewers, 3; photographers, 5; dentists, 1; expressmen, 4; carriers, 6; draymen, 18; livery-stable keepers, 3; teamsters, 2; porters, 4; coal mining companies, 2; gas companies, 1; water companies, 1; brokers, 1; accountants, 2; agents and collectors, 8; scriveners, 3; ferrymen, 1; barbers, 8; Chinese do., 1; hatters, 1; bootmakers, 12; gunsmiths, 2; saddlers, 3; brickmakers, 2; plumbers and gas fitters, 2; syrup and soda water makers, 1.—*Daily Post*

PRECEDENCE—Yesterday in the case of the Sawmill Co. *vs.* the late partners in the Ericson Co., Mr. Ring who was retained with Acting Attorney General Wood for the defendants, rose to open his case when Mr. Wood interposed and claimed precedence of the learned gentleman. Considerable argument and cross firing followed between the gentlemen of the long robe on their respective claims to precedence, which they will pardon us for observing should have been amicably arranged before entering court instead of inflicting on the judge and all present the necessity of listening to an uninteresting squabble quite foreign to the question at issue. Mr. Ring declared his right to be heard as senior to Mr. Wood, who was only Acting Attorney General and could not therefore supersede him. Mr. Wood claimed priority as Acting Attorney General holding office under the Queen and ranking fourth or fifth in the Colony. Mr. Ring contended that the appointment being of a provisional nature did not carry precedence with it; he had himself also officiated as Acting Attorney General. To show a colonial precedent he proposed to call Mr. St. Green. The Judge said that he should prefer the matter of precedence being left to the determination of his successor, but he felt bound to recognise the position occupied by the Attorney General in the court. Mr. Ring said he should not take another brief with Mr. Wood and wished to retire from the case, but at the request of the solicitor for the defendants he retained his brief. Mr. Wood then rose and proceeded with the case. The precedent to which Mr. Green was to bear testimony occurred, we believe, in Bombay, Mr. Westropp being Acting Advocate General, and as such in a similar position to the Attorney General in colonies where such an officer exists. The Chief Justice Sir M. R. Sausse, always called upon Mr. Chisholm Anstey, the senior member of the English bar then practising in his court, to move before calling upon the Acting Advocate General. Mr. Anstey and Mr. Westropp never held briefs in the same cause.