

COURT.

ICE NEEDHAM.

Mr. J. H. Tarner Mr. S. Green, who im as against Mr. n enquired into and hief Justice. behalf of the trade claim had not been Judge finding no ving been pronoun-greed by consent of ase as a summary The sum in dispute

moned in the same ower of attorney of itle deeds relating to worth \$2000. The the day before the \$1500 said to have lverwell for the pro-Levy's statement it bassed on that occav was transferred for due.

the transaction on ell was insolvent at a voluntary prefer-rdered to stand ad-next.

h this case the Judge he language of the guous on the whole, chattels" applied eables, and therefore of sale would stand out that the personal 148, must go to the sum was paid into

ade Assignees.

s Assignment-Mr: the Bank of British some explanations to property called Duncan who was Mr. Bishop, proved hers belonging to the ilable for the estate Judge directed that

Further disclosures which it transpired considerable property ould be got in. The citors to the estate, n and Bishop to pro-

Mann-The Bankt examination. Mr. to account for cerbelonging to Mann. ankrupt. cKay. peared that Mr. Mc-es belonging to the that he had a claim The Werkly British Calamist. convict the prisoner. We have then the Tuesday, December 12, 1865.

THE JURY SYSTEM. There are a great many excellent things which we borrow from English law, but

there are some very foolish if not indeed misverdicts. chievous ones. Of the latter class we may, we think, safely put down the unanimous verdict in criminal cases. There is scarcely an Assize Court held in either colony but discloses the defective character of our jury system. We see a dozen of men locked ap because they cannot agree, and in the hope that confinement may force them into unanimity. This sometimes has not the desired effect, and the jury is discharged, the prisoner is remanded, the witnesses go home, and the whole thing is gone into de novo at a future date, with an additional expense to the individual and to the country. Now, in the first place, the system, with all its apparent mercy, is to the prisoner really the most unjust ; for it tends to prolong his incarceration when he is still, in the eyes of the law, an innocent man. It is unreasonable, and even brutal to the jury, for it relies on force to extort an opinion. as the Inquisition of old relied on terture to extract a confession. The result in the one case is the same as in the other. Men's lives or property are at the mercy of physical strength. If the juryman is weak, and cannot bear confinement or long fasting, he is most likely in the end to yield, and matter achieves a victory over mind and morality.

In this age of enlightenment we can scarcely conceive a more barbarous and irrational scheme of jurisprudence. If we attempted to carry the same principle into Legislative Assemblies, City Councils, or deliberative bodies of any sort, we should be (and justly) charged with lunacy. And yet the object of the jury is the exact same object and act upon it. To elicit this truth, the to the rear, turned and ran. Their juror has all the evidence brought out by retreat rendered the position of the forexamination and cross-examination, and by way of a clarifier has the succinct and careful charge of the judge. While the weight of all this is resting on his mind, he exchanges ideas with his fellow-jurymen-listens to what they have got to say and gives his opinion. This differs from the opinions of the others; and for this offence they as well as he are locked up. Now the question resolves itself into not who has the clearest notion of the case, which is under deliberation, but who has got the strongest constitu. tion, and the greatest determination. If there are a number of men of this class on the jury the chances are that they will, under the

balk of the jurors we have the time of the count, of the witnesses, and of the jury themselves saved-and lastly, we have a better guarantee of justice than we ever can by any possible means have by our present antiquated and irrational system of unanimous

WEBKLY

THE WAR AT THE CAPE OF GOOD HOPE.

The news from the Cape of which we published a telegraphic summary last evening, shows that the Boers have found formidable antagonists in Chief Moshesh and his people. On the 8th of August they made an attempt to capture the Basuto mountain city of Thaba Bosigo. They marched to the foot of the mountain over 2,000 strong, and amply supplied with the means of modern warfare, including Whitworth and Armstrong cannon. A force of 1,100 men, with five guns, under Commandant Fick, made the first attack, but occupied a whole day, and retreated, having done comparatively nothing, while they had not lost a single man, and their casualties were only ten men slightly wounded. A great deal of recrimination, we are told, ensued among the Boers upon this affair. The next attack took place on August 14 when about 1,200 men were told off for the service, but only 600 actually came to their duty, and of these a large majority behaved very badly. Wippensar, their commander, at the head of a few gallant men, made his way up the mountain, and attained a very good lodgment ; but the majority of the troops that were to support him, instead of coming on, actually retreated to shelter themselves from the enemy's distant fire, thus leaving their commander general to ido the best he could. For some time Wippenaar continued to maintain his position until at length the few of the supports that were coming up, getting frightened as that of the Assembly-to arrive at truth at the sight of some wounded men going

lorn hope in advance no longer tenable, and Wippenaar and several others were shot down by the Basutos .- Daily Telegraph, Oct. 7.

FROM IDAHO.

[From the Idaho World of the 11th.]

With all our drawbacks there are to-day, Nov. 7th, 1865, seventeen hundred and twenty-three men at work in the deep placers of Moore and Elk creeks within a radius of eight miles, This does not include the bar and gulch diggiegs.

The drones and thieves, the vagabonds and highwaymen, have mostly all left the country. There are very few lett. They sheak around with a slow, Ishuffling tread, a green eye, and a gipage, that warns all to beware of

looking up system, bully the rest into compliance — which simply means that A growing confidence in the mineral re-

LEGISLATIVE COUNCIL. IF ELIZA ANDERSON from WEDNESDAY, Dec. 6. Council met at 3:15 p.m. Present-The Hons: President, Colonial Secretary, Attor-ney General, Treasurer, Surveyor General and H. Rhodes.

BRIDISH

INPRISONMENT FOR DEBT. The Hon. Attorney General moved the second reading of the bill for amending the law of arrest and imprisonment for debt. It Subscribed Capital, - - \$3,000,000 Subsisting Assurances, - 14,415,000 was not necessary he said to enter into the details of the bill, but only to discuss its principle, which was not the abolition of the aw of arrest but of imprisonment for satisfaction, except in cases suggestive of some-thing like misconduct. He alluded to the mischievous effects arising out of the humiliation, delay and inconvenience of the present law. It was impossible in a country so unsettled as this, where credit was so generally carried out, to steer clear of embarassment or debt. It was not in one case out of fifty that misfortune did not arise from circumstances over which there was no control. The bill left untouched the just punishment of auything like dishonorable conduct, but would not visit with imprisonment the non-

Payment of liabilities. The Hon. Colonial Secretary agreed with most of what the mover had said. Whatever might be the law elsewhere a change of modification was needed here. He could enumerate many instances where honest and honorable men had been in consequence of the present law driven from the colony sooner than submit to the indignity of arrest. He instanced one unfortunate man who had previously samed an honorable livelihood, but because he could not pay \$150 was thrown into prison. It affected his mind and resulted in his being tried for attempting to take life. The jury, however, found him of ansound mind. There should be no arrest from the fact of inability to pay debts, it might not be advisable to abolish the ne execut regno altogether. Discretionary power was vested in the Chief Justice to take bonds when considered necessary. Writs had been applied for here without the shadow of ground, owing to some feeling or grudge. Declarations had been very lightly made, and he believed from his experience that the entire abolition of imprisonment for satisfaction would be productive of great good to the

colony. The President said he felt great reluctance in entering into discussion on this or any other matter after so recently coming among them. It was more consistent with his duties that he should avoid disputation, but there was a line to be drawn, and his duty might render it incumbent on him to advise them, particularly on matters of law which were more within his province than any other man's, and he would tell them fairly what he thought about this measure without having any object in the world except to advise the Council to the best of his ability He considered the bill was not advisable, and he would be neglecting his duty if he did advise them in the strongest terms not to pass it. He had great doubts in his mind whether the feelings of the colony on the subject had



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JANUARY, 1865.

SPECIAL NOTICE.

DIVISION OF PROFITS.

Assurances effected on or before the 20th January, 1866, participate as of four years standing at the division of profits in January, 1869.

Trospectuses and every information can be obtained on application to the undersigned, whe has power to accept risks. J. BOBERTSON STEWART,

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THE BEST GUITAR BOOK Is Cartiss" Method. not been overrated and exaggerated. He had been two months in the daily adminis-tration of the law in this colony and during that time, there had been only six cases of arrest, and out of those six only one was a THE BEST VIOLIN BOOK Is Fessenden's Modern School. case of final process, and it was remarkable that in that one case the person had been but a short time in gaol, having through the inbankruptoy in seven days. In England arrests may take place before or after judg-ment. Before the Ast of Victoria a creditor could throw a debter into gaol; the consequence was the gaols were full. It was a crying evil and the bill was abolished. One case only being reserved that of arrest for intended flight to put creditors at defiance. The indge had power to hold to bail and such was the law at present in force in this colo-ny. The learned judge then described the three kinds of writs authorised against the effects, the property, or the person of the debtor and their legal effect and operation ; also the recourse to bankruptey, concluding by remarking that if confidence was reposed inothe person wadministering the law he could not conceive any better system than that which at present prevailed. The de-nounced the British Columbian Bill of which hounced the Britsh Coundian Bir of which this was said to be a copy, as wild in its character, unintelligible, with scarcely any merit, ambignous, in language, and crude. The President apologised if he had spoken warmly or said anything offensive, which was far from his intention, but as might be sup-posed, he spoke feelingly on the subject as he really should not know if it passed how he really should not know if it passed how



PILLS

Nervous Disorders.

Mervens Disorders. Whatis more learnil than a breaking down of the nervens system?: To be excitable or nervens in a small degree is most distressing, for where can a remedy be douid? Here is one .- Drink but little wine, beer, or spirits, or far better, abstain from them altogether; do not take coffee-weak is a preserable; ges alsine from air you can; take biros or four of the Fills every night; cat plenty of solids; and avoid the use of alops. If these goiden rules are followed, you will be happy in mind, strong is body, ind forget you have any nerves.

Mothers and Daughters

Mothers and Daughters If there is one thing more than another for which here Pills are so among it is their purisying pro-perties, especially their power of cleanning the blood from all impurities, and removing dangersus, and enswing sugenided removing dangersus, and enswing sugenided removing dangersus, and always bring about what's required. If all discuss and the Kidneys. If all discuss and the Kidneys. If all discuss and the loins over the region of the kidneys these Fills should be taken according to be well rabbed into the small of the back at bed time. This treatment will give almost immediate relief after all other means have tailed.

No medicine will some stually improve the tend of the stomach as these Pills; they remove all and-ity, cocasioned either by intemperance or improper diet. They reach the liver, and reduce it to a healthy abtion; they are wonderfully efficacious in cases of apasm-in fact they never fail in curing all disorders of the liver and stomach. (24304AH)

Bronshitis, of Diptheria, of Coughs and Colds

Groceries, Provisions, Boots and Shoes. Boots and Shoes.

In cases of debility, languor, and nervousness generated by excess of any kind, whether mental o physical, the effect of these Fills is in the highless degree bracing, fenovating and restorative. They drive from the system the morbid cause of disasses be establish the digestion; regulate all the secretions grabe the nervous system, raise the patient's spirits and bring back the frame to its pristine health and vror

Biliousness, Loss of Appetite, Headache, and

Lowness of Appetite, Headache, and Lowness of Spirits. These Pills effect a truly wonderial change in de-bilitated constitutions, as they create a healthy ap petite, correct indigestion, remove excess of bile, and overcome giddiness, headache and palpitation of the heart.

Holloway's Pills are the best remedy known in the

Is Zundel's Instructor	world for the following diseases:
THE BEST GUITAR BOOK Is Contiss Method	Agne Set Dropsy Jan Jatndice Secondary Asthma Dysentery Liver Com-Symptoms Billous Com Lysiphias Jatnats Jic-Doulou-
THE BEST VIOLIN BOOK Is Fessenden's Modern School	plaints FamaleIrre-Limbago renx Biotchus on gularitus Pilos Dumours S the Stin Forers of all Rheumatism. Ulcers
THE BEST FLUTE BOOK	BoweiCom Chinds Refention of Veneres Ar; plaints Fits Brine Urine Coiles Good Worms of Worms of
THE BEST VIOLONCELLO BOOK	Constitution Head sche King's Evil allkinds off Bowels Ladigestion Sore Throat Weakness, Consump- Indiam- Stone and Trom what
THE BEST ACCORDEON BOOK	Debility

Mr. Bishop contend-as not bound to give had been released; nies were the joint Mann, and were not ale estate.

Mr. McKay had a nimself, but directed released at the end es in his hands were abide further order.

R DIGGINGS .--- Major

S.A., who left Colville the following to the s been one fall of ted away in the next ther had been quite Register says Major the discovery of new eks which enter the hundred miles above not more than thirty ings, and they had no They were averaging I. The diggings had thing more than a mount of \$24,000 had alley. The dust was utiful-worth \$19 50 hite had nearly com+ the 1st inst. He extrial trip within three She is built at the by a good read from havigable above more Captain thinks he will passengers the whole is confident that his success. The who'e to the Little Dalles is a good natural road; there will be a large ources of this upper steamer Chile left inst., the following that port : H. B. M s, and Columbine, 4

St. Marys, 16 guns; e Pailas, H. B. M. 21 guns, from Eng-frigate Leander, 51 re daily expected to spoken in the Straits camer. Santisgo a on so she will relieve the er will come to Pan-eander, Com. Harvey, on the 8th of October hearwater at Callao.-

HIP-The ship Royal Soundanto Sydney, the 8th October in a ald have to discharge

they will the their fellow jurors into perjury. For it certainly stands to reason that if a man swears to give his decision to the best of high ability, the opinion which he forms when the whole case is, fresh before him is an honest opinion, and if he is induced to change it through the fear of losing his liberty or his customary meals, we can only come to the conclusion, that he has gone in direct contradiction to his oath. Thus, then, we see the effect of this compulsory unanimity is unjust to the prisoner, unjust to the jury and unjust to the country." It makes, in fact the intelligence and integrity of the gurors subordinate to their appetite or constitution.

Bad as the principle is in populous countries, the evil becomes intensified in small communities. In the latter places it is almost impossible to find a man charged with a crime who has not got some triends who, if they became jurors, would not stick out to the last in his defence. In a community like our own, as we have in former issues pointed out, where society is split up into fragmentary associations or clannish coteries, the difficulty of obtaining a unanimous verdict is almost beyond the bounds of possibility. The consequence is that the laws of the country are virtually set at defiance, or as we have stated above, the prisoner is retained a longer period in confinement while his guilt is still merely matter of conjecture. This must surely appear iniquitous to even the least discerning. With all our veneration for the customs of our forefathers, we think the time has arrived when we should evince less of the Chinese worship of the past and more of the practical tendencies of the present. In this respect we had better take a leaf from the Scotch with their majority system. We have already abelished the unanimous jury in civil cases ; det us have a scheme equally decisive in our criminal courts. Let us have a verdict from twelve out of fifteen-or some such proportion-a final verdict that will waste do time, outrage no sense of decency or justice by the locking up of the jury, and retain the prisoner in suspense not a single day longer than there is absolute necessity for. At present as the law stands there is really no definite end to a disagreeing jury. The general custom is, but there is no specific law on the subject, to lock the jurors up for wix hours, and if by that time they are not unanimous to lock them up still further or discharge them. A fresh set of men are then empanneled, and the whole case is gone

over again, with probably similar results. O'If

we take a three-fourths of four-fifths verdict.

wemfinish the case at once, and acquit or

sources of this each is quietly springing up in the minds of those who aim to prosper by honest industry, and the evidence of their wisdom is made apparent to any one who calmly takes the matter into consideration. Grimes' Creek is well filled with men for eight, or nine miles in length, and no doubt they are all making money.

Two years ago the superficial seekers of chance fortunes began to leave us, thinking the accidents which were to make them rich had all occurred, while the staid, sobet pil-lars, the foundation of civilization, the edifices upon which rest moral, political and financial presperity have remained, and are, giving substantial support to the future well being of our young Territory. G. C. There took

CHINAMEN COMING.-Large numbers of Chinamen are crewding into Boise Basin of late. Nearly every day they are spilled ont of wagons like so much general merchandise. There celestial countenances begin to adorn every portion of this terrestrial scene.

THE BOISE CITY ROAD -- In the matter of the toll road of Stringham & Co., which came before the Board of Commissioners, this week, on the petition to vacate the charter, the Board after examination of the case refused to take any action. worbut

DeRell's Fast Freight Line continues to make its trips from the Columbia river to Idabo City, arriving and departing with great regularity. It has become one of the institutions of Idaho.

THE LEECH RIVER DITCH.

LEECH RIVER, 4th December, 1865. TO THE EDITOR OF THE BRITISH COLONIST. Sir,-The survey of the Ditch Company has been completed. The men accompanying the surveyor worked for \$1 cash and \$1 50 scrip. They found that this was not sufficient to maintain them in food and wear and tear, especially during the winter months. It takes over six dollars a week to keep a miner in grub alons, which the following items of what each man requires will, I think, clearly show : 1 lb. Tea.....\$ 37½
 Mustard, &c., &c.
 25

 14
 lb. Sugar
 25

 10
 lb. Potatoes
 50

Onions
 X
 Back Float
 123/2

 Soap
 110. Butter
 871

 Meat
 1 50
 1 50

 1 lb. Bacon
 60
 60

 % lb. Tobacco
 874

\$6 50 You will perceive by this that a man has nothing left for clothing, and boots at such work and in such weather form a pretty considerable item in a miner's expenses. Could the miner get provisions for sovip it would then answer their purpose to work, but as it is the Company are likely to get very few

By inserting this you will greatly oblige the Leech River miners, and (Your obdy, servant, A MINER.

to interpret it, and regarding it as a mischie-yous measure, he condemned it most strongly. The Hon. Attorney General in replying said that in bringing forward this bill he had the Union of the Colonies, which could not

be looked upon as very distant, in view, and it was not desirable that three different laws should be framed within a short space of time for the colonies. The details of the bill might be amended in Committee, but setting aside private feelings every one knew how very offensive to persons in business the present law was. Imprisonment for satisfaction was as oppressive to the innocent as the guilty, and the principle was that there should not be imprisonment until guilt was shown.

The second reading was then put and carried; pro.-Hons. Colonial Secretary, Attorney General, Treasurer, Surveyor Gen-eral and H. Rhodes.

The Treasurer moved that the bill be printed in accordance, with standing orders, and the further consideration postponed to enable members to obtain copies.

The Colonial Secretary was willing after what had fallen from the Chief Justice that Feathers, Fibres, Grasses, Seaweed, Ivory, the details should be fully considered in Committee although he was anxious to see the principle carried out.

A resolution of the Surveyor General suspending standing orders as to printing was

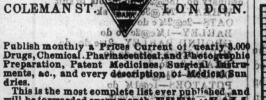
carried. POSTAL BILL. The Attorney General gave notice that he

would ask for leave to introduce a bill re-specting the Establishment of a Postal Ser-

and D. C. Maunsell, Esq. on board.

Construction of the state of th Pure Drugs, Chemicals, &c.

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dries. This is the most complete list ever published, and will be forwarded every month, FREE oF ALL CHARGE, upon application. ** As the latest fluctuations of the market are always noted. this List is invaluable to Chemists, Druggists, Storekeepers, and Surgeons. ja27

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Columbia and the Colonies,

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CAUTION-D&M. take the opportunity of cautioning purchasers against SPURIOUS IMTRA-TIONS of their MAWUPACTURE and 1/A HELS. ""Orders through Mercantile Plonses, m17

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Judson's Simple Dves. Ten colours, Price 1s, 6d., 2s. 6d., and 5s: per bottle, These Dyes will also be found useful for impartng colour to

Bone, Wood, Willow Shavings,

Paper, also for masta Tinting Photographs, and for Illuminating

May be had of all chemists throughout the United Kingdom and British Colonies.

WHOLESALE DEPOT-19s. Celeman st., London

Michael Fitzpatrick.

vice. Council adjourned till Friday. THE STEAM YACHT LEVIATHAN arrived yesterday afternoon from New Westminster, with the Hon. Mr. Birch, Hon. Mr. Walkem, and D. C. Maunsell, Esq. on board.

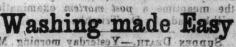
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for Colts', Deane's, Tranter's, Adams'edi

BALL CARTRIDGES For Enheld Rifles, also for Westley Bichard's, Terry's, Wilson's, Mont Storm's, Green's, and other breech-loaders. Working and had met Bullets of uniform weight made by compression from soft Refined Lead, offern and Mechanically fitting projectiles for Righy's and Henry's Rifles.

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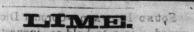


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"Clycerine Soap Powder." A Clergyman's wie says, "one half of Soap, at sast, is sayed, two-thirds of time, and three-ouths of labor." Sold in Panny Packets by all Storekee pers, and wholesale by Harper Twelvetrees, Bromley-by-Bow, London. Whoiesale Agents for Vancouver Island.

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A SPLENDID, LOT OF LIME FROM a new kim, for sale at prices to suit the times. J. W. WAITT, J. W. WAITT, no21 ada da odt 20 darom