

The Weekly British Colonist AND CHRONICLE.

Tuesday, November 5, 1867.

Have Foreigners a Legal Right to Vote at the Approaching Municipal Election?

We ask this in all seriousness, for at the time of the passage of the Victoria Municipal Ordinance, 1867, in common with a majority of our fellow citizens, we entertained the belief that the right of franchise was conferred upon ALL ratepayers, whether British subjects or foreigners. Such, we are persuaded, was the intention of the Legislative Council; and until quite recently we were of opinion that that intention was not only implied but stated in the Ordinance. Let us, however, examine the sections that apply to the question of franchise, with a view of ascertaining how far the law is reconcilable with the construction that has been popularly placed upon it. The new Ordinance, which was passed on the 2nd of April, 1867, comes into force on the 8th of November next, and its 62d Section enacts that "Victoria Incorporation Act, 1862," shall on that day become null and void, with certain exceptions, which do not affect the present question. Sections IX., XV. and XVI. of the new Ordinance give the qualifications and disqualifications of voters. Under Section XV. four things are necessary to entitle a person to vote. First, being a male of full age; second, three months' residence in the Colony of British Columbia; third, being at the time of tendering his vote rated on the Municipal Assessment Roll of the city; fourth, having paid all assessments due up to the time of voting. So far the qualifications seem to be clear enough; but on reference to the last clause but one of the Ordinance it appears that the sections above quoted do not apply to the forthcoming election, for in Section LXIII. the following clause occurs: "Provided, nevertheless, that the election of Mayor and Councilors to be held on the 8th day of November next shall be held according to the provisions of the said 'Victoria Incorporation Act, 1862,' save in this respect, that the persons entitled to vote thereat shall be such persons as shall at the time of election have paid all municipal rates and taxes then due by them." We refer to the "Victoria Incorporation Act, 1862," and in Section X. we find the qualifications of voters to be as follows: "Doing a male British subject of full age; having resided in Vancouver Island and its dependencies for the space of three calendar months preceding the election at which he tenders his vote; being at the time of tendering his vote rated on the Municipal Assessment Roll of the said city for freehold or for leasehold estate to the amount of £20." Upon comparison of the sections, the matter appears (to us) plain, that whatever the Council may have intended, they have failed to express any meaning in the Act than that a voter must be a "male British subject of full age," and that he must, in addition, have paid "all Municipal rates and taxes then due." Clearly, the Ordinance does not confer the right of franchise upon all persons who have paid the rates; it merely appears to require, as an additional qualification, that the rates shall have been paid by persons possessed of all the qualifications mentioned in the Act of 1862. Such, at least, is the construction that we place upon the sections before us. The question is one of importance, and should be submitted to competent legal authority for an opinion before the day of election, in order to prevent confusion, and, probably, a legal contest for the seat after the result of the poll has been declared.

The Summary Court.

The County Court Act abolished the Summary Court, and notwithstanding that the Act has been in force since the 17th of September last, no Court has been held here under its provisions. A large number of cases are awaiting adjudication, and it would appear that no person on the Island possesses the power to issue summonses or to try the cases. A serious injury is inflicted upon the public by this neglect on the part of some one—we cannot exactly say who—to carry the law into effect, and it is to be hoped that steps will be taken immediately to correct the evil.

Tuesday, Oct 23.

FATAL ACCIDENT.—A sad accident occurred at King's camp, on the east side of Whidby Island, on the 12th inst. An old man named McDonald was engaged, with several others, breaking out a rolling tier, when one of the logs, suddenly starting, rolled over him, completely severing one arm and his head, leaving only a given him the under jaw attached to the body. McDonald was about 55 years of age. His remains were conveyed to Port Madison, where they were interred by the Masonic fraternity.—P.T. Message.

Inauguration of British Columbia Lodge, No 1187, E. R., F. and A. M.

Yesterday afternoon the new Masonic Lodge was inaugurated at Masonic Hall, by Bro. P. M. Robt. Burnaby, Esq., assisted by the officers of Victoria Lodge, No. 738, E. R., with the usual impressive ceremonies. At 2 p. m. the members of the various Masonic Lodges marched in procession—being preceded by the Volunteer Band and the banner of Victoria Lodge—to St John's Church, where divine service was performed by Rev. Frank Gibbell, the rector, assisted by Rev. Mr. Owen. The fine choir of St John's was largely represented; and the anthem, from the 133d Psalm, commencing, "Behold, how good and how pleasant it is for brethren to dwell together in unity" was beautifully rendered—the first and second treble and the bass parts being most delightfully sustained. Rev. Mr. Gibbell's sermon was taken from I. Corinthians, chap XIII., v. 13.—"And now abideth Faith, Hope, and Charity, these three; but the greatest of these is Charity." The sermon, which was well timed, was delivered in an eloquent and forcible manner, and at its conclusion a collection was taken up for the benefit of the Hospital, which realized a handsome sum. At the close of the service the Masons reformed in procession and marched through Douglas to Fort, down Fort to Government street, and thence to Masonic Hall, where the following named gentlemen were installed as officers by Bro. P. M. Burnaby: Thos. Harris, W. M.; A. F. Main, S. W.; Henry Nathan, Jr., J. W.; P. Medina, T. A. Theat. S.; E. Harrison, S. D.; G. Creighton, J. D. In the evening the Masons sat down to a sumptuous repast served in M. Driard's best style, at the Colonial Hotel. The ceremonies throughout were highly interesting and passed off successfully.

The Rifle Match—Volunteers v. Officers of the Fleet.

Following is the score of both sides in the rifle match on Saturday last. The new regulation target was used. The highest score was made by Corporal A. Hoop, who scored 53; the next highest was by Corporal Peel, 51; the lowest of the Victorians was 43. The average of the Victorians was 45 points. The highest on the side of the Fleet was 48, by Lieut. Dolphin, and Wm. Worth, A. B. The lowest of the Fleet was 35. The average of the Fleet was 41.

Table with columns: Name, Total, Grand Total. Lists scores for various officers and volunteers.

V.R.V.

Table with columns: Name, Total, Grand Total. Lists scores for various volunteers.

SUICIDE OF A CANADIAN IN NEW YORK.

The New York Tribune of Oct. 18th says: At 10 1/2 o'clock last night, Arthur Mewbran, a boarder at No. 91 Clinton Place, shot himself through the heart, in his room. He returned from visiting his relatives at Drummondville, near Hamilton, Canada West, yesterday morning, and seemed in excellent spirits, having narrated to his host the particulars of his trip, and mentioned the fact of meeting a number of that gentleman's acquaintance. In the evening he accompanied a party to Kelly & Lean's Minstrels, and it was remarked that he was never in better spirits. On reaching home he at once retired to his room, and within ten minutes afterwards the report of a pistol was heard, and boarders who entered the apartment found him lying on the bed, partially undressed, and by his side a small Sharp's repeating pistol. He had obviously placed the muzzle of the pistol against his breast, as his shirt was blackened by the powder. It is conjectured that he was temporarily insane at the time of shooting himself. About one year ago he started the inmates of the house by discharging a pistol at a late hour one night and in explanation he said that he thought he had seen a man in the bath room on the floor on which he slept, and at another time he dis-charged his pistol at the open window. Young Mewbran is said to have been a person of promise, and not addicted to excesses of any kind. He was a native of Canada, aged 22 years, and employed in the office of one of the British steamship lines.

CHARGE OF THEFT.—A respectable appearing man, named Henry C. Bradbury, was accused before the Police Magistrate yesterday of having stolen a bag of flour and a case of brandy from the cabin of a man named Charles Young. The complainant charged that he and Bradbury cabined together, and that the flour and brandy were conveyed away to the house of a friend, to whom the prisoner stated that Young had given him the articles. It came out in evidence, however, that Young was suffering from the effects of drink, about the time the articles are alleged to have been taken, and the Magistrate remanded Bradbury for one day.

Summary Court.

[Before Chief Justice Needham.]

B. Evans v. R. Hopkins.—This action was brought for recovery of the sum of \$16 50 due by defendant to plaintiff for board and porter and ale supplied. Defendant did not appear. Judgment for plaintiff.

J. W. Carey v. Chong Nee.—The Plaintiff claimed the sum of \$54 for ground rent of premises on Comorant street. Defendant did not appear. Judgment for plaintiff.

Bank of British Columbia v. E. Marvin.—By consent of the Attorneys on both sides this case was ordered to stand over sine die.

Aaron v. Elfred.—Mr Copland for plaintiff. Defendant did not appear. Ordered for payment of balance due in one week.

Phillips v. Bond.—Mr Green on behalf of the plaintiff asked for leave to issue a commitment summons in this action (which had lain over since 1864). Leave granted.

FAILURE OF THE SAMANA NEGOTIATIONS.

A Washington despatch, dated Sept. 15th, says:—"The Government to-day received important information from one of the Foreign Ministers, showing that its negotiations for the purchase of certain foreign territory have failed. It will be recollected that last winter Assistant Secretary Seward visited the island of Samana, or Atwood Key, one of the Bahama group, for the purpose of looking into its position for a United States naval station. It was decided to be a valuable one for its purchase. Mr Bancroft, our Minister in Berlin, received instructions here last spring, prior to his departure, to go via Madrid, and in conjunction with Minister Hale, endeavor to effect the purchase of Samana from the Spanish Government. The matter was taken under advisement by the Spanish authorities, and after the lapse of some time, has been peremptorily declined. The Government, in the meantime, fearing failure, opened a correspondence with the authorities of the Republic of St Domingo for the purchase of one of its islands for the same purpose, but the proposition was not entertained. At the present, all of the efforts of the Secretary of State to secure a naval station in the West Indies."

A CELESTIAL ENTRAPPED.—A venerable looking Chinaman, who has long sold whiskey to natives and heretofore eluded the efforts of the Police to capture him, was entrapped by officers McMillan and Rappid, on Sunday, in the following manner: An Indian woman was instructed to enter the Chinaman's den and purchase a bottle of gin. She went to the house as instructed, and shortly reappeared with a bottle of gin in hand. The officers seized the bottle and entering the den, arrested the Celestial, in whose pocket they found the "marked" piece of money. John pleaded guilty and was fined \$100.

ANOTHER PAPER HUNT.—The Officers of the Squadron propose to give a paper hunt on Thursday next the 31st inst. The hares will start punctually at 2 p. m. from the Admiral's residence, Maplebank, Esquimaux. Admiral and Mrs Hastings will be very happy to receive any ladies or gentlemen who intend to join in the sport, to luncheon at 1 p m on that day.

SUMMARY COURT.—His Lordship The Chief Justice intimated in Court yesterday that as the Summary jurisdiction of the Supreme Court had been abolished by the County Court Ordinance of 17th September last, no more summonses could be issued by the Supreme Court.

THE STEAMER FIDELITER, from Portland on Friday last, arrived last night at 9:45 o'clock, bringing a few passengers and a very large freight of general merchandise. We are indebted to Capt Erskine for files of late papers.

ARRIVAL FROM SAN FRANCISCO.—The French bark Navata and Orcoke, Capt. Bedox, fifteen days from San Francisco, in ballast for Moody's Mills, Burrard Inlet, arrived on Sunday night. She will load with lumber at the Inlet for a foreign port.

PORT LUDLOW.—There are four vessels loading at these mills at present, to wit: Ship John Jay, Hughes; bark Helen W Almy, Freeman; and brig Crimea, Nelson, for San Francisco, and the Hawaiian ship Bertha and Louise, for Chili.—P.T. Message

DISCHARGED.—Ah Sow, (the pig!) who was arrested on a charge of burglariously entering the Star Hotel, was yesterday discharged from custody—the evidence being deemed insufficient to insure conviction.

SKELETON KEY.—On the person of an Indian boy, arrested upon a charge of stealing blankets, was found a skeleton-key capable of opening any common door-lock in town.

THE THEATRE.—Our readers must not forget Marsh's performance to-morrow evening at the theatre. It will be the entertainment of the season and deserves an overflowing house.

SIGHT.—The damage sustained by the Bed Rock Drain by the late cave was not serious; so says a late arrival from William Creek.

BOARD OF EDUCATION.—A meeting of this body will be held on Wednesday, at 12 m, in the Colonist Building. A full attendance is requested.

FROM THE SOUND.—The steamer Eliza Anderson arrived at 8 1/2 o'clock last evening from Olympia and way ports. The steamer New World arrived at 9 o'clock.

WE learn that a third candidate is coming out for the Mayoralty, on the Annexation ticket.

Down.—The telegraph line continued down yesterday.

THREE officers of the Royal Navy arrived by the Fideliter.

The Relative Merits of the Candidates for the Mayoralty Considered.

EDITOR COLONIST.—The 9th of November is fast approaching, and the citizens will soon be called upon to elect their Mayor for the ensuing year. For the time-honored and well known appellation of "His Worship the Mayor," two candidates are in the field; Mr Macdonald, our present Mayor, and Dr. Trimble have presented themselves, making their bow to the citizens and soliciting the honor of the civic chair. Both parties are doubtless eligible and fully equal to the discharge of the duties of the office, and it will be for the citizens by their votes to say at whose hands they consider the duties will be most efficiently performed; and here as a leading observation it may be said, that after all the throes and difficulties of our Municipal institution, now that our Corporation affairs are at last placed in a healthy and satisfactory position, as evinced by the experience of the past year, it is a matter of the first importance that at this particular juncture the citizens should secure the best services offering. We require the best, the very best, services, and no incurring of danger that the necessities of our civic institution may be impeded, imperiled or thrown back into past disorganization. Any one taking upon themselves the office of Mayor of our city should enter upon the duties of it *con amore*; it should be felt not only a duty to be punctual and attentive, but there should be entertained a pleasurable gratification in being so. That in the expenditure of the civic funds careful regard should be had for the best interests of the city; and if these be prominent among the qualities requisite for Mayor, we consider Mr Macdonald in his last year of office has established a very strong claim upon the support of the citizens, for that in the discharge of the duties pertaining to it there has been exhibited a care and solicitude approximating to that of the administration of family affairs. It seems to me that it is not Mr Macdonald who should solicit to be Mayor, but that the citizens should solicit him, that if he consents to be re-elected it is our duty to show our appreciation of his past services by according to it and placing him at the head of the poll—

"That we should be to his virtues very kind, And to his faults a little blind."

With regard to our old and highly esteemed citizen Dr Trimble, if ever it was true "that some men are born to honors and others have honors thrust upon them," the sentiment is applicable to the worthy doctor, and in connection with his coming forward to be Mayor. Not one amongst us will for one moment believe it to be his own voluntary act—or that he has been seized or possessed of an ambition to do the city a service as Mayor, but that he has good-naturedly acquiesced in the urgent entreaties of importunate friends. That the doctor has not had the moral courage to say a decided no to persistent entreaties, and that "good, easy man," he has come forward to oblige his friends and not himself. Even the very commencement of the address to him is indicative of it; for although signed by some 103 persons, it commences with *Dear Sir*; and yet in all probability, among the signatures there are many whose very name even is unknown to the doctor. We have little doubt but that many of those who have been most urgent in inducing the doctor to come forward (never having taken into account the inconvenience it would entail upon him) have enjoyed it as a capital joke. But when it is remembered how the doctor is situated as a professional man; "that he is still engaged in fighting the battle of life; still engaged in active professional duty—often required as a consulting physician in urgent cases—we can but consider that if ever there was occasion to say "save me from my friends," it is on this particular occasion. To induce any one situated as Dr Trimble is, with time so valuable and whose professional duties are so often required on the part of the community, seems to me a very equivocal compliment and more like the refinement of cruelty. I opine that amongst the list of requisitionists there will not be found many of the doctor's patients, who naturally like his whole and undivided attention; but this I do know, that with many of those to whom Dr Trimble is the medical adviser his election is looked upon with aversion. What is the doctor driving at? Surely he cannot be seeking the office of Mayor with the view of ascertaining whether the community will give him honors. That has been satisfactorily tested before by Dr Trimble, for he has had a seat in the halls of the Legislature. Taking all these circumstances into account, I favor the return of Mr Macdonald, in opposition to Dr Trimble. Mr Macdonald has ample time at command for the duties of the office, and doubtless fortified by past experience will prove himself worthy of the position to which he aspires.

PUBLICOLA.

HOW THE SPIRITUALISTS LOOK.—The Cleveland Herald thus describes the looks of the spiritualist brothers and sisters, who have been holding a Convention in that city. We were more interested in the female delegates than in the male. So far as the latter is concerned there is the usual gathering of long-haired, heavily-bearded, bald-headed, lean kine. There is hardly a stout man to be seen, and not one fat one. Many wear spectacles; and almost all wear soft hats and dusters, and most of them carry carpet-bags, dusters, and bundles of books and pamphlets. The women are for the most part past, their prime, generally of the cadaverous order, with now and then a cheerful face breaking out into smiles, and lighting up with jollity and intelligence. As a rule, the women faces are seriously sad; as if they had come to find some one who could minister to a mind diseased, some one who could pluck out a root of sorrow. The "Bloomer" costume is not ed frequent in the Convention, the wearers tripping evidently not at ease, but yet as if determined to have their own way. Two of the "strong-minded" have thrown themselves into regular frock coats and trousers, the coats being closed tightly in front. These women dispense entirely with crinolines, and both being spare in figure, have a very lank, scant, chilly look.

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