sixty-eight dollars had been paid into court by the parties, and was to abide by the

indement of the court thereon. The material

miners they were entitled to enter and locate

the land under the powers contained in the

Mining Act as vacant and abandoned land,

compliance with the Mining Act, which is

nor abandoned, nor was it the land of the

Crown, but was expressly granted by the Crown to the defendants. I think there was

no abandonment nor intention of abandon-

ing the ground on the part of the defendants.

means and under such circumstances. It

was contended that the record of the claim

on the 8th of October operated as a redem

by the Crown to the defendants, and that the

defendants taking no steps to defeat it work-

ed a legal surrender; but it seems to me that

the act of record in the Gold Commissioner's

court is the act of the party and not an act

of the Crown, and could have no such legal

operation, nor can any such construction

feited; but in my judgment the lease had only become liable to forfeiture, and had not

n the proviso in that behalf contained in the

indenture, and these means had not been

adopted. None but the Crown could enter

on the terms granted, and the crown took no

steps whatever to forfeit the lease, but on the

contrary indicated in the most direct way

that there never existed any intention to do

so, by the deed of 23rd March, 1867. That

deed contains a surrender by the defendants

consistent with the supposition of those

lands being at that time vested in the crown

by forfeiture. Moreover, the Crown could

not at any time by law waive the forfeiture and the deed of 1867 is in itself a waiver of

the most distinct character. Again, the as-sumption by the plaintiffs that the defen-

feiture, and they as free miners were en-

titled to enter cannot be supported in law.

The plaintiffs are altogether strangers to the

lease and could have no rights under or over

it the Crown as lessor could alone enter for

conditions broken, or the Crown could

the plaintiffs that even measuring from this

stake 50 feet on the east side the defendants'

boundary would fall short of the whole 12

feet 2 inches by some two feet. But to my

mind this is a refinement for the measure-

have always been in possession of this

owners claim up to the defendants' boun-

dary, and have never claimed this, and there

seems no reasonable ground for supposing

that a strip of two feet should be left unap-

propriated between two adjoining owners,

missioner's court, nor can I find that the plaintiffs until this trial ever set up such a

imaginary and an afterthought. I am of

opinion that the whole of the land belongs

to the defendants on the east side up to the

line of the Black Hawk and Heron claim, or

in other words thas the whole 12 feet 2 Inches

is included in the defendants' boundary.

There will be judgment for the defendants

accordingly, and they will be entitled to an

order in their favor for the money now in

Mechanical & Surgical Dentist.

OFFICE:-Douglas street, first house on the right

South of Fort street.

ALL BRANCHES OF THE

OR BALLE ET ALL BRIGHOUSES.

misd kwiy Horistier, Amith & Bren.

claim. I cannot but look upon this claim as

The Grouse Creek War!

Chief Justice Needham Decides in Favor of the Flume Co.!

QUESNEL, October 3.

Judgment in favor of Grouse Creek Flume Company on Tuesday. They get all the ground in dispute, and all the gold which the Canadian Co. gave up in Court: All quiet.

Eastern States.

NASHVILLE, Oct. 3-New city office cers were installed to-day. No disturbance. The new Mayor will demand possession of office to-morrow, and if the old Mayor refuses to vacate will eject him by force.

The first day's election in Alabama passed off quietly. The election lasts three days.

NEW YORK, October 2-Gen. Grant has issued another order reducting price of commutated rations from one dollar to fifty cents.

CHICAGO, October 2-Chicago has been agreed upon as the place of the National Republican Convention.

The Crow Indians refuse to meet

Peace Commissioners at Fort Laramie in November. The Herald's Lima correspondence says the Spanish American Telegraph Company has been accorded exclusive

right of fifty years to establish tele-graph lines along the coast. Washington, October 3d — Henry Howard, attache of British Legation, was married to-day to Miss Cecilia

Riggs.
General Grant, in recent conversation with two Republican Congressmen, in reply to a direct question, said if it should appear to be the will of Providence and the desire of the American people that he be President, he would not feel at liberty to resist one nor disappoint the other. General Mower telegraphs Grant that a Convention is called in Louisiana by a

small majority. A despatch from Montgomery says that one hundred thousand votes had been cast, nearly all by negroes. All are in favor of convention.

CHICAGO, October 2—The Intelli-gencer officially denies that any steps have been taken in regard to the trial of Jeff Davis.

New York, October 2-Two sets of directors were elected at the annual election of the Union Pacific Railroad to-day. Injunctions were served on each. The old board, therefore, holds over till the courts decide.

The Commercial Advertiser says that

Europe.

London, Sept. 30-It is reported on the continent that Napoleon had addressed a letter to the Sovereigns of the South German States on subject of their relations with the Prussian Cabinet touching German unity. The Emperor asks Southern potentates to pledge themselves not to pass the Main and merge their country in the new Confederation of the North.

The Pan-Anglican Synod have issued an address condemning Ritualism and Popery, and seeking to promote unity in the Church.

FLORENCE, September 30-Garibaldi has refused to give parole not to renew hostilities against Rome.

It is rumored there will be an im mediate change in the Italian Cabinet. London, October 2d-No further dispatches relative to recent disturb ance in Italy have been received. Many wild reports afloat. It is said that a serious revolt had broken out at Rome, and that the Pope was obliged to fly to Cevita Vecchia.

The Opinion (semi-official journal), says Rome belongs to Italy without broken treaty.

Farragut arrived to-day, and was

received with marked civilities. GLASGOW, October 2-Buchanan & Co., a firm largely engaged in the American trade, have stopped pay-

ment; liabilities unknown, Hayti.

HAVANA, October 1st-Advices from Hayti report Salnave's position as dangerous. The rebellion is attributed to Cabral. Salnave favored Boise. At Port au Prince the Government was unable to support the clergy. Commerce is paralyzed. No products to certain mining grounds situated on have arrived; vessels have been waiting for freight since June.

The sum of three thousand six hundred and ing for freight since June.

California.

J. B. Delabigne, 75 years of age, one facts proved are as follows: It was contended of the principal merchants of San France ed on behalf of the plaintiffs that as free cisco, committed suicide this morning at his residence.

Letters were received yesterday via Honulu from Adjs Geo M Wright, of and that they legally effected this by the entry and record of the claim on the 8th day of October, 1866. But presuming the steps taken by the plaintiffs formed a sufficient thn Russian Extension Telegraph, at Plover Bay in Eastern Siberia, dated August 18th. He found the telegraph employees in good health and spirits. open to doubt, I am of opinion that the land, They will be brought to this city by the Clara Bell and Nightingale.

Sandwich Islands.

HONOLULU, Sept 12 .- The Reciprocity treaty between the United States and the nor indeed could there legally be so by such Hawaiian Islands was being favorably discussed. There was every probability that the treaty would be ratified.

Europe.

NEW YORK, Oct. 2,-News by Scotia

The papers contain warm eulogies in memory of Frederick Bruce. It it pos-itively announced that the French Cham-ber will be convoked in the middle of November to vote on a bill fixing for the military contingent for 1868, also on one in relatation to organizing the army. It is reported that a Spanish squadron under feited; but in my judgment the lease had Admiral Munez, will be reinforced this in fact been forfetted, nor covid it be torfeitwinter and the bombardment of Callao ed in any way but by the means laid down undertaken.

Paris, Oct. 1 .- There is muchd rus t in political and financial circles here. Rouper, the Foreign Secretary, La Rol lette, Home Secretary, and the Minister of Finance, left to-day for Biarritz to con

fer with the Emperor. London, Oct. 2.—The midnight reports from Italy are startling. A dispatch at the request of the Crown of a large portion from Florence says the outbreak at Vit- of the land previously granted, which is urbo is not quelled. A small town in Orvieto has been captured by the insurgents who have full possession of all the roads leading to that point.

The commander of the Papal forces has asked the Italian Government for instant assistance. There is no longer room to dants' lease had become liable to fordoubt that the revolt is serious rma andaling: apprehensions are felt of an interruption of the friendly relations between France and Italy.

BERLIN, Oct. 3 .- One hundred deputies of the North Germany Parliament waive the forfeiture at any time, and this it signed a formal protest against an in- did by the new grant, by the release of the fringement or disturbance of the long covenants and by the acceptance of rent. established maritime privileges of the German States of the Baltic.

FLORENCE, Oct 2-Official dispatches confirm the reports of the revolt in the inches in width—as not having been in-Papal province of Viturbo. MADRID, Oct 3— General Sersundi has dants. This raises a question of boundary been commissioned captain general of and depends upon the value to be placed on

uba and sails immediately.

London, Oct 3—Many Fenian contact of the parties I am asked to decide the question Cuba and sails immediately. victs have been sent to Australia to serve of the fact without the intervention of a jury.

out terms of sentence.

It is not necessary in this judgment to go
through the evidence in detail, and I abstain

Eastern States.

Washington, Oct. 3.—The Union that that stake was placed there in 1864 as Pacific Railroad is complete 455 miles the centre stake; but then it is contended by west of Omaha. Rumors of a change in the war office

are again in circulation. It is stated that either Gen. Blair or Thomas Ewing will be appointed within a week. New York, Oct 4, 3 p m.—Gold 145 of nor the facts justify. The defendants

Legal tenders 70 to 70%. Flour, active and advanced to \$15 50; ground as part of their grant; the adjoining wheat, steady at \$3; Cala., held at \$3 10

Canada.

MONTREAL, Oct. 3.—A personal en no such piece has been staked out or been sounter has taken place between two recorded by the plaintiffs in the Gold Comcounter has taken place between two noted citizens, Delavau and McGee The former spat in-the face of the latter, whereupon McGee caned him.

California.

SAN FRANCISCO PRODUCE MARKET.

Flour, active demand at current rates. with jobbing sales this evening of city extra in balf and quarter bbls at \$7 Wheat, unchanged, good to choice commands \$2 20 to \$2 25, with but little disposition to go beyond those figures Barley, weak, \$1 60 to \$1 65 for new feed and brewing, and \$1 70 to \$1 85 C. F. BARNARD, M. D feed and brewing, and \$1 70 to \$1 85 for old; Oats, quiet, 1000 good at \$1 75 to \$1 80, 300 choice 1 821.

The Grouse Creek Cases-The Decision of Chief Justice Needham.

QUESNELLE, Oct 6.—The following is Judge Needham's decision: This is an action of ejectment tried by consent of both parties without a jury, to determine the title to certain mining grounds situated on Grouse Creek, in the district of Cariboo. The sum of three thousand six hundred and Orders to be made payable in Londen. mil

The locale agent for little at Columbia,

Shipping Intelligence. PORT OF VICTORIA, BRITISH COLUMBIA.

ENTERED Sept 30-Steamer Alexandra, Swanson, New Westmin

ster
Stmr Emily Harris, Frain, Nanaimo
Schr Sabina, Tucker, Port Townsend
Sip Lady Franklin, Pritchard, San Juan
Oct 1—Stmr Eliza Auderson, Finch, Fort Townsend
Stmr New World, Winsor, Port Townsend
Bark Rival, Blair, San Francisco
Oct 2—Stmr Emily Harris, Frain, Nanaimo
Sip Harriet, McKenzie, San Juan
Oct 3—Stmr Alexandra Swanson, New Worlmischen Oct 3-Stmr Aiexandra, Swanson, New Westminster Slp Harriet, McKenzie, San Juan Oct 4—Slp Forest, Butler, San Juan Slp Ringleader, Bradley, San Juan CLEARED

CLEARED

Sept 30—Stmr Alexandra, Swanson, New Westminste Stmr Emily Harris, Frain, Nanalmo Schr Annie, Elvin, Sooke
Oct 1—Stmr Fideliter, Erskine, Portland Stmr E Anderson, Finch, Port Townsend Schr Discovery, Rudlin, Cowichan Slp Lady Franklin, Prichard, San Juan Slp Flyaway, Swain, Port Townsend Schr Sabinia, Tucker, Port Townsend Schr Sabinia, Tucker, Port Townsend Oct 2—Stmr Emily Harris, Frain, Nanaimo Stmr New World, Winsor, Port Townsend Slp Harriet, McKenzie, San Juan Oct 3—Slp Hamley, Hollins, Nanaimo Stmr Alexandra, Swanson, New Westminster Bark Rival, Blair, P Townsend Slp Harriet, McKensie, San Juan Oct 4—Slp Forest, Butler, San Juan Slp Ringieader, Bradley, San Juan

PORT OF PORT TOWNSEND, W.T.

Sept 26-British ship Don Juan, loads at Utsalady for Sept 80—British ship Royal Faxon, loads at Utsalady St Salvador ship Baronesa, loads at Port Gamble for Valparaiso.

British ship Manchester, loads at Port Ludlow for Val paraiso.

Hawaiian ship Bertha and Louisa, Lorenzen master loads at Port Ludlow for Caidera, Chili

Per stmr J L STEPHENS, from San Francisco-Capt J H Raymur, H Summers and daughter, Mrs Jungerman and daughter, S Blair, H M Cohen, Captain Swanson, R H Johnson, Rev S Kearney, Mrs Morris, E W Summers. Per stmr NEW WORLD from Puget Sound-His Excellency Governor Moore, F Tarbell, W McBride, T G Murphy (Reporter San Francisco Bulletin and Oregon Herald), L Nichols, H George, M Cannovan, Fred Truman, Mrs Wagner, L Walker, Capt E S Fowler, Mrs Cloness, J N Hibbard, Dr Williamson, Jas McMillan, Miss N Hale, Mrs H C Hale and 2 children, Mrs Moore, J E Moore, J P Smith, J Quall, A J Baldwin, A C Hyde, and 25 Indians. Per Stmr ELIZA ANDERSON from Puget, Sound-Per Stmr ELIZA ANDERSON from Puget Sound— Capt J Lawson, Mrs Bigelow, Mrs Challon, Mrs Maddox, Miss Peebles, Mrs Warbass. L.D Durgan, Dr R Willard, Huttle, wife and baby. Mrs Gardner and 3 children, Jas Rowls, T O'Brien, H Smith, David Daniels, Thos Andrews, Wm Thain, Wm Fisher, Edwd Murray, 2 Siwashes, 2 Klootchman, 2 Chinamen.

CONSIGNEES.

Per bk RIVAL, from San Francisco—H Nathan, jr, & Co, A Fellows, Moore & Co, Boscowitz Bros, C Bossi, Langlev & Co, Millard & Beedy, McCrea, Promis, Bunster, E Marvin, Cunningham Bros. Per Stmr ELIZA ANDERSON from Puget Sound— Order, Reyrolds & Co, Brodrick, Durgan, Janion, Green & Rhodes.

Per Stmr NEW WORLD, from Puget Sound— Carson & Co, Hutchinson & Co, Walker, Order, A W Piper.

IMPORTS.

Per stmr ELIZA ANDERSON from Puget Sound-hd cattle, 3 cows and calves, 30 boxes apples, 7 sakes ysters, 51 do bran, 7 bxs tomatoes, 2 pgs mdse, 3 lambs, dc z chickens. Neither of the above can be supported by law; but failing on these grounds the plaintiffs still contend that they are entitled to a 1 dcz chickens.

Per stmr NEW WORLD from Puget Sound--47 head sheep, 6 calves, 3 cows, 14 bxs fruit, 1 bx eggs, 1 do butter, 5 scks oysiers. portion of the land in question-12 feet 2 cluded in the original grant to the defen-

DIED

At Gordon Bush, Metchosin, V.I., October 5th, George Washington, eldest son of William and Margaret Gibb aged 2 years. aged 2 years.

In this City, on 3rd October, at the Royal Hospita David Scott, a native of Scotland, aged 27 years.

DEED OF COMPOSITION

The Commercial Advertiser says that among some of the foreign bankers an apprehension is felt that embarrassments may occur in continental money markets from the critical condition of the Credit Mobilier of Paris. The last advices represent it as doubtful whether the Mobilier will be able to effect the proposed loan from the Bank of France. It is considered impossible for the institution to stand without support from the Bank. In the event of its failure the disaster not only in Paris but in Italy and Germany will be severe.

It is reported that policemen had been killed at Hooddale by Feniaus. A police man was attacked and nearly killed in his city by a gang of Irishmen last night. The man was attacked and nearly killed in his city by a gang of Irishmen last night. The man was attacked and nearly killed in his city by a gang of Irishmen last night. The sevents in connection with recent occurrences in Manchester and Ireland give rise to rumors of new and wide advices represent it as doubtful whether the Mobilier will be able to effect the proposed loan from the Bank of France. It is considered impossible for obvious reasons from remarks on the main struggle has through the evidence in detail, and I abstain for obvious reasons from remarks on the testimony of in the testimony of in dividual witnesses. The main struggle has turned upon two points, namely—whether a courrences in Manchester and Ireland give rise to rumors of new and wide whether it was a stake from which the subcleants were entitled to measure 50 feet whether it was a stake from which the fisher of the said August Hoffmeister, and whether it was a stake from which the fisher of the fisher of the said August Hoffmeister, frank W Lumeister and Company of the defendants were entitled to measure 50 feet on each side, or if the Heron sapling was the lishop of Austria met in Congress and of the certain the correct date and indeed could not be denied that the true boundary in the said august Hoffmeister, Frank W Lumeister and George Steitz, and each of th spective debts, claims and demands and discharged and released and quitted claim unto the said August Hoffmeis-ter, Frank W Laumeister and George Steitz, all actions arrived at the conviction that the defendants are right in their intention, and that the Heron sapling or the point where that sap-ling stood is the true date and point, and

Frank W Laum.

I suits, &c.
Dated this 4th October, 1867.
RICHARD WOODS,
Acting Registrar.

NOTICE.

NOTICE IS HEREBY GIVEN THAT the business heretofore carried on under the style of Oppenheimer & Co., at Yale, Barkerville and Fisherville, will hencetorth be carried on by the undersigned, to whom an assignment was executed on the 18th day of october, 1866 for the benefit of the Creditors of Dayi ment which neither the circumstances admit October, 1866 for the benefit of the Creditors of David Oppenheimer and Isaac Oppenheimer, under and by virtue of which said assignment the undersigned have assumed the control of the said business, and the said David Oppenheimer and Isaac Oppenheimer are not any longer authorized to act in the management thereof.

Dated the Seventh day of September, A. D. 1867,
Signed,

BOBERT BURNABY,
DAVID LENEVEU,
F. WEISSENBURGER,
Trustees of Openheimer & Co. 3 estate.

Trustees of Oppenheimer & Co.'s estate.

NOTICE.

In the matter of the Estate and Effects of William Lang Mitchell, late of the Davis Claim, Williams Creek, Free Miner, deceased, Intestate.

ALL PERSONS WHO ARE INDESTED to the above Estate are required to pay the amounts due fortuwith; and all persons who have any claims against the above Estate are required to send in their nst the above Estate are required to send in the unts on or before the 12th day of October, 1867, to CHAS. E. POOLEY,
Official Administrator.

Dated Richfield, 12th July, 1867.

NOTICE. IF JOSEPH DAZET, NEPHEW OF of François Casse, late of Richfield, British Columbia, Cattle Dealer, deceased, will communicate with the undersigned and forward to him proof of his kinship, he will hear of something to his advantage. CHAS. E. POOLEY, Official Administrator,

Dated Richfield, July 15, 1867.
California papers please copy. Sm-jy29

Information Wanted.

AS TO FATE OR WHEREABOUTS OF HAGBARTH [or George] HANSEN, a Norwegian by birth, who is supposed to be connected with some of the Coal Mines on this coast. Any information left at this office will be thankfully received.

from San Fraccisco, with General Rogas and the Russian Commissioners on route for

ROYAL

INSURANCE COMPANY

FIRE & LIFE.

Head Offices, - Liverpool & London. Capital -- £2,000,000 Stg.

Accumulated Funds in Hand £1,200,000 Sterling.

ANNUAL INCOME—£700,000 Sterling

MANAGER: Charles Turner, Esq., Percy M. Dove, Esq.

The amount of the CAPITAL of this Company (together with the Accumulated Funds especially reserved) which would be immediately available to meet any unforseen calamity-the well-known character of its Directors, and the standing which it takes among the large Insurance establishments of the British Empire, enable it to rank with the most eligible offices now in existence either in America or Europe

Fire Department.

The undersigned, Agents, will reseive proposals and effect Insurances on all classes of Fire risks at moderate rates of premium.

Life Department.

The advantages offered by the Company in this branch include the follow-

The guarantee of an ample Capital. Moderate premiums.

Large participation of profits by the assured, amounting to two-thirds of their net amount, which gives them all the advantages of a Mutual Assurance Company without incurring any liabilities of partnership.

The Agents are authorized to acs cept lives without transmitting the proposal to England.

> Sproat & Co. STORE STREET,
> Agents for Vancouver Tsland and British Columbia
> sel4

THE MUTUAL LIFE

Insurance Co. of New York,

[INCORPORATED 1842.]

ASSETS, \$22,000,000 CASH!

THE UNDERSIGNED WILL RETURN to Victoria in December next to receipolicies in the above Company. Life Assurance is now regarded as a social duty. The "Mutual" affords the greatest security. The "Assets" are 'Cash," and the profits are divided amongst the policy-holders only. An Endowment Policy offers to young men the best investment.

EXAMPLE: Endowment Policy for \$5000—issued at age of 25—payable at death or 40 years of age—Annual Premium \$299 25. Dividends are declared annually, and can be used as

"Remember, life is but a shadow;
Its date the intermediate breath we draw.
Ten thousand accidents in ambush lie
To crush the frail and fickle tenement;
Which, like the brittle hour-glass measuring time,
Is often broken ere its sands are run." JAMES L. BUTLER, Agent.

J. & F. HOWARD.

Britannia Iron Works, Bedford Have long devoted attention to the Manufacture of IMPLEMENTS FOR ALL PARTS OF THE

WORLD.

And being the Largest Exporters in England of PLOUGHS, HARROWS AND HORSE RAKES.

they are fully acquainted with the kind of Implements adapted for various countries. Their Implements are made principally of wrought and MALLEABLE IRON, and are not only constructed so as to take to pieces and pack in the smallest compass to save freight, but are so simply arranged as to leave no difficulty in putting them together.

PACKING CASES AND PACKING CHARGED COST PRICE.

Catalogues, with full particulars, sent post free on ap-London Office :- 4 Cheapside, three doors from St. Catalogues can be obtained of the Publisher,

Presidency .- Peris Letter

further need of his services or of those under him. Judge I

VOL. 8.

WEEKLY BRITISH CO PUBLISHED EVERY TUEST

HIGGINS, LONG

PAYABLE INVARIABLY IN AT

AGENTS

Newspaper Charlata

Of all men in the Colony, we Governor Seymour has the b throw up his hands and exclai from my friends." If a Gover the injudicions respectations friend, Mr Seymon reputat excellent chance of being wre the unfortunate admissions of creature who edits the New Columbian, nee Scorpion. When Creek War " first broke out, wh an effusion of Canadian blood a paper General at New Westmi so strenuous in his demands for of a "vigorous policy" as th John Barleycorn of the Colum so anxious to see the Colony pense, trouble and annoyance' tion of its laws, as the pot-valid the signers of the Capital petition willing to spend the last drop bodied relatives' blood in de Fiume Company's ground, as Captain of the "Stay-at-Home the " Capital " town of the Col-Columbia? And who but the v at the last session of the Legisl and sold the popular cause for a meagre pottage, attempted to decision of the Executive Cou the adoption of a bloody policy lication of a number of dots curves, which he termed a which, fortunately, no one cou but himself? These facts are the popular mind to be success now. The files of the Col with them-to use his own ex might "swim" through the colu-thirsty advice tendered His I-our fighting cotemporary while flict" was in progress. And face of these incontrovertible face of a knowledge of the we have at our command t

"In the first instance the abused because he did not have measures at once the most l pensive, by marching an arm hundred miles into the mountain the interior. * * * Becau nor preferred to adopt a mild atory, and, as the sequel prov and wiser policy, he was p puerile, old woman, coward, and a thousand and one equall epithets, of which the Colonist inexhaustible stock in trade. short, pronounced by that in thority utterly unfit to hold the ernment a day longer than w necessary for the appointment Suppose the opposite course had by his Excellency, what would position of affairs now? The have been saddled with a heavy heavier than it could bear."

convict him of the mos charlatanism, what do we

honorable gentleman" doing tually attempting to falsify the

he himself has written by con Colonist for advising the adep of pelicy that he himself advoc there may be no mistake in this

in order to afford our "honora

porary no loophole through which his lean body, we bring to the at

readers to the following extract column leader in the Columbian

The epithets in the above ex claim. We never used them. offspring of the vulgar imagi cotemporary, who is so accust rility that he cannot forego its referring to his Excellency. files of the Columbian of the 27 we find that the editor, referring of affairs then existing on Grous

"It is simply a question of vs. Lynch Law. Governor Sev upon this very instant to say v have. If the latter, then we