

The Weekly British Colonist AND CHRONICLE. Tuesday, April 7, 1868

The debate on the Capital Message in the Legislative Council will commence to-day; and in the face of the remarkable despatch from the Secretary for the Colonies to Governor Seymour, we do not look for any very strenuous opposition on the part of official members to the removal of the capital to Victoria. One or two warped intellects which have come to believe that the only place on which the warm rays of the sun fall is New Westminster—that all the patriotism, wealth and power of the country is concentrated within the limits of that town—will doubtless indulge in acrimonious remarks towards Victoria, its people and representatives. They may go so far as to attack "our worthy Governor" for the failure of his efforts to retain the Seat of Government at New Westminster; they may even accuse him of having been "inspired" with secretly favoring Victoria while openly advocating New Westminster interests; but all this is as well as nothing. So far as we can see, the despatch leaves the Governor but little discretion in the matter, and in order to relieve him of any responsibility, his Excellency is authorized to quote the opinion of the Home Government in support of Victoria's claims. Language could not be plainer. The Home Government is in favor of the relocation of Victoria as the capital, and we have not now the slightest fear of pressure being brought to bear upon the Government members to force them to perpetrate an act of injustice toward this city. The opposition from the official benches will be weak; some will cast their votes with New Westminster; but they will be well satisfied before doing so that a sufficiently heavy vote will be cast in favor of Victoria to insure the removal of the capital. The question of compensation to New Westminster lot-holders is disposed of in an equally unimpeachable manner by the Duke of Buckingham. The despatch says "Every land purchaser in New Westminster or any other locality must be considered to buy his land subject to the possible changes which the varying political or commercial interests of the whole community may from time to time render necessary." After this decided expression on the part of the Colonial Office, any effort in the direction of reimbursement will be superfluous. A compensation resolution may be introduced into the Council by one of the "warped intellects"; but it will stand little prospect of passing. We are aware that a few kindhearted persons think that the officials who invested their means in the purchase or erection of houses at New Westminster, while laboring under the impression that New Westminster would always remain the capital, are entitled to a substantial mark of public sympathy for their presumed losses, and that at least a portion of the means they have sacrificed should be refunded from the public chest. But there is no proof that New Westminster will not be benefited by the change. We believe the removal of the seat of Government will awaken the "sleeping" energies of the people and cause them to turn their attention to other and more remunerative sources of profit than those accruing from official patronage. Admit, however, the principle in the case of officials, and where will a line be drawn? Establish a precedent by the compensation of one class, and how can it be withheld from every class? We cannot see that any official who through our years of hard, bitter poverty has enjoyed a good salary, while hundreds of citizens quite as worthy, as intelligent and as valuable have lost not only their property but their situations into the bargain—we cannot see, we say, why the man who amid the reverses of the Colony has retained his situation unimpaired should be compensated for having made a "bad" investment in real estate, while the man who has lost both money and employment must turn away empty-handed. If it were proper to compensate anyone, we should certainly select the man who has lost his all, in preference to the man who retains unimpaired the means of gaining a livelihood. But sympathy with distress is one thing and ability to relieve it another. The Council may overflow with sentimentalism, yet its inability—if no other cause intervened—to furnish substantial evidence of its feeling would provide an excuse for its refusal to do so. We live in a practical age—an age when sentimentalism must give way to expediency; and supposing the losses of the New Westminsters to be real (which we deny) the colony is no more bound in equity to make them good than it is bound to remunerate a miner for money and time expended upon a worthless mining claim, or a merchant for a bad investment in flour, bacon or beans."

Thursday, April 2. PATENT.—Mr P. Cadell is about to apply for a patent for the gold separator, alluded to at length in these columns some weeks ago. His application is backed by a large number of influential citizens. MAILS COMING.—The steamer Constantine cleared at San Francisco for Victoria on Tuesday. It is believed she has our English and Canadian mails aboard. DROWN.—There were three cases of drunkenness before the Police Court yesterday, and three fines of five shillings each, paid as penalties. A CONFERENCE meeting will be held on Monday evening at New Westminster. The ball is rolling! SENSIBLE.—"Even the Columbian is going in for 'immediate Confederation.'" Well, "wonders will never cease." THE ENTERPRISE returned from the River yesterday afternoon with a few passengers and about \$20,000 in treasure.

Municipal Council. Tuesday, March 31st, 1868.

Council met at 7 o'clock, p. m. His Worship the Mayor in the chair. Present—Councillors Gibbs, Crump, and McKay. Minutes of previous meeting read and adopted. Communication from H. F. Heisterman, agent for Wilson and Adams, applying for a permit to erect a building on the site of the old mill, was read and referred to the finance committee to report upon at next meeting. Communication from N. I. Neustadt, relative to making excavations in the streets, was read, and upon motion request complied with. Communication from W. J. Doane, asking permission to repair sidewalk. Permission granted. Communication from R. Bevan in reference to an amount of an account transferred from W. S. Green, was read, and on motion, placed on file. Communication from Wm. Lusch, relative to the grand stand at Beacon Hill Park, was read and placed on file. Council adjourned. ALL FOOL'S DAY.—Yesterday numerous harmless jokes were played upon unsuspecting innocents by designing wags. A broker was deluged with notes informing him that the alleged writers wished to invest large sums of money, and requesting him to call at addresses indicated, which he, acceding to commissions, lost no time in doing. It is needless to say that the parties whose names were signed to the notes knew nothing about the engagements that had been made for them; as for investing money, they seemed more anxious to borrow than to lend. On Tuesday, a spruce young man who has a much better opinion of himself than we fear others entertain, received a note in a pretty female hand requesting him to meet the writer on Beacon Hill at 9 o'clock Wednesday morning. The recipient appeared punctually on the spot, but the damsel failed to come to time. A gentleman and lady got an invitation to attend a regatta to come off in Esquimalt harbor at 10 o'clock. Procuring a horse and buggy, they drove nearly to Esquimalt before they ascertained that "the day we celebrate" was All Fool's Day. Another couple, whose passages are secured on the California, received intelligence that the steamer was outside and to leave in two hours for below. They were put to the trouble of packing their luggage before a friend relieved them to the newspaper to learn the date. Mysterious looking packages, sealed letters, coins with strings attached, and numerous other devices were resorted to, to entrap the unwary, and many were the hearty laughs indulged in at the expense of the "sold" parties.

MERCHANTS' LITERARY INSTITUTE.—At a meeting of the committee of this Institute, the resignation of Mr W. K. Ball, the zealous Hon. Secretary for the past year, was accepted, with many expressions of regret at the retirement of so valuable an officer. Mr T. Allsup was elected to the vacant position. Mr W. K. Ball was elected a member of the committee. It was announced that eighty dollars had been expended in new novels, a list of which is given below, and the library committee were empowered to expend \$250 in the purchase of new books in London:—Sixteen novels of Charles Dickens, forming, with those now in the library, a complete set of that author; Thackeray's English Humorists of the 19th Century, Newcomes, Pendennis, Lovel the Widower; Roundabout Papers, Memoirs of the Prince Consort, Kinglake's Eothen and Udine and Cindra; Trollope's Bathsheba Towers, Small House of Allington, Last Chronicle of Barset; Don Quixote; Balzac's Lytton's Pelham and Disowned; Samuel Warren's Diary of a Late Physician; Unsound; Samuel Warren's Ten Thousand a Year; 4 novels by Dumas; Monte Christo, Edmond Dantes, Bragelonne and The Three Guardsmen; 3 novels by Miss Braddon—Henry Danbar, Only a Clop, The Lady Lisle; 2 novels by Wilkie Collins—Atter Dark, Yellow Mask; 2 novels by Charlotte Bronte—Shirley, Jane Eyre; Ruth; by Mrs. Gaskell; The Atlantic, by Sam. Slick; Felix Holt, by George Eliot; Napoleon and Blucher, by Miss Mulholland; Artemus Ward his Book; and 15 others by Mrs. Henry Wood, Charles Lever, Frederica Bremer and others.

THIS CIRCUS.—The performance at Batholomew's Circus on Tuesday evening was unusually entertaining by the introduction of several new pieces. The original trick of walking on the ring with his fore feet on a barrel by the trained pony Napoleon, is one of the most wonderful we ever saw performed, and the daring leap through a blazing hoop is truly an interesting as well as exciting spectacle. The concluding piece of Dick Turpin's ride to Koeke, although given with some interest, requires further study and practice to make it a success. Mr. Batholomew will give another entertainment to-morrow evening, and Dick Turpin will be repeated, when we have no doubt the details of the first exhibition of this famous act will be forgotten.

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK.

Hundreds of the older policy-holders in this Company have nothing to pay, their dividends more than equaling their premiums. The plan of the company is strictly mutual. Every policy-holder participates in the profits. It makes its dividend annually and pays them at the end of each and every year. Many of our prominent citizens whose lives are insured in the Company can testify to the correctness of these statements. Every man should make provision for those dependent upon him, and in no better mode can this be effected than by insuring his life in the Mutual, of which Mr. Wm. T. Welcker is the agent in this city.

RECENTLY THE U. S. STEAMER LACKAWANNA, steamed into the port of Honolulu, and dropped anchor alongside the British war ship Chanticleer. The British captain immediately set his hand to playing "Dixie," his crew applauding. The American captain at once retorted by giving the John Bull the benefit of "Wearin' of the Green," by a full band which was received with three cheers by the crew of the wharf. California paper.

THE FUNERAL of the late Mrs. Hutchison took place yesterday from St. Andrew's Church. The attendance was very large. Rev. Mr. Somerville officiated and delivered an impressive discourse. The church-choir (to which Mrs. Hutchison was organist) sang two appropriate hymns, the organ remaining untouched. A large procession, in which were many ladies, followed the remains to their last resting place.

MAPLE SUGAR.—Oregon is turning her attention to the manufacture of maple sugar, a product which cannot fail in proving highly remunerative. There are extensive tracts covered with maple-trees in the vicinity of New Westminster; but no efforts has as yet been made to turn them to advantages by the inhabitants of that city. Some enterprising Capitalist might realize a handsome profit by turning his attention to this branch of industry at the proper season.

THE NEW WESTMINSTER papers assert that a petition praying for the retention of the Capital at New Westminster had been "numerously signed at Yale." We have conversed with two gentlemen who left Yale on the last boat, and who positively assert that no petition of the kind was in circulation there up to the time of their leaving.

ENGLISH HOPS thrive well here. An experimental crop of several acres was tried at Saanich a year ago, and the yield was "all that could be desired." We are not informed whether the culture will be extended this year or not; but it certainly appears that with both soil and climate in its favor, little if any difficulty would be experienced in producing hops in sufficient quantity to at least supply the local demand.

THE STEAMSHIP CALIFORNIA, six days from Sitka, via Nansimo, arrived at 12 o'clock last night and will sail at 9 o'clock to-morrow morning for San Francisco. The Fideliter had not arrived at Sitka when the California sailed.

FORFEITED.—Two knives, the property severally of Qui-ox and Johnny, natives of the Sogahis tribe, were lately confiscated to the Crown yesterday, in consequence of their being carried in an unlawful manner by the proprietors thereof.

LEGISLATIVE COUNCIL. FRIDAY, MARCH 27th.

The details of the business of this day I have already telegraphed, but there are still a few particulars to be given to make the report complete, which it was impossible for me to prepare in time for the last mail. The first motion of Hon. DeCosmos, relating to the pre-emption sales, and leases of Crown Land, seconded by Hon. Stamp, was carried without debate; while the second one of the hon. member requesting His Excellency the Governor to change the Constitution of the Council so as to make "two-thirds of its members elective," was postponed at the request of the hon. member, inasmuch as important news from Canada, daily expected, might make it unnecessary.

Hon. Robson, seconded by hon. DeCosmos, moved an address to His Excellency, enquiring whether any Official Report, has been prepared upon the probable route through British Columbia of the proposed overland road to Canada; and requesting that copies of such report (if any) together with all other official information bearing on the same subject may be laid before the Council.

Hon. Ball desired to be informed what originated this motion. Hon. Robson replied, His Excellency had stated publicly that a charter had been granted to build a road, independent of the Bute Inlet road, and he made the motion because he understood official action to have been taken on the matter. Carried.

Hon. Helmsken, at once suggested an adjournment of its further consideration at present; and if that was not granted, he should feel it his duty to move an amendment to postpone the bill there being no other business before the House.

Hon. Attorney General thought as he had already postponed the second reading to meet the convenience of the Island and legal members, he thought that ought to satisfy them in not wishing a further postponement, as it did him in not complying with the suggestion. The hon. gentlemen then proceeded briefly to recapitulate the main particulars of the bill, the publication of which renders an extended report of his remarks unnecessary.

Hon. Walker confessed at once he did not like the bill; in fact the colony did not want Supreme Courts at all, for they might be substituted by District Courts, and thus do away with distinctions which in a new and thinly populated country like this he knew from experience were both absurd and vexatious. If Supreme Courts were retained they must be established at the extreme points of the country, and thus creditors in Victoria recovering from debtors at Cariboo and vice versa, still suffer from a system which often-times rendered it wise to let the debt go. Much of this, if not all, could be obviated by the establishment of District Courts. He approved of there being two Judges, for one would be required in Cariboo, the chief mining territory, and the other in Victoria, the chief commercial city. He applied the 9th clause which brought the Judges together on the bench by mutual request. Suppose they differed, who had the power to compel them to sit together? This should certainly have been compulsory for the same thing under the old regime had been very unsatisfactory to editors, lawyers and judges. He could instance a number of cases where much satisfaction would have ensued to all parties concerned and the public at large could those cases have been heard before two judges. Again, he thought the bill would have come with more grace if, as we are given to understand, it emanated from home; if it had come from the difference first arose. The honorable and learned member regretted he had not had more time to dissect the bill thoroughly, and should content himself at present with supporting a postponement, hoping eventually the bill would be either rejected or materially changed.

Hon. Woods attacked the bill severely, but he spoke altogether too insiduously to be reported fully. He thought the postponement should be carried without hesitation. Every person had been kept in the dark, not only of the merits, but almost of the existence of the bill. For the first time, he saw it in print yesterday in the Colonist. Was one day sufficient for himself and brother lawyers to study the provisions of the bill materially? He thought the profession had been unjustly treated in the matter. He had read enough however to satisfy himself the bill had really no principle; that it retained innoventious and vexatious which the profession and public were heartily tired of, and he should therefore vote for the postponement.

Hon. Helmsken thought the house overlooked one very grave objection to the bill, for in his opinion it really held out a premium for the most atrocious of crimes, murder. In clause 11 provision was made on the death of either Chief Justice, for the appointment of a puisne Judge, with a salary of £1000 a year. In this case he cited the gentleman holding that distinguished position. The hon. Attorney General himself might be assassinated, and either by poison or dagger, himself work off one of his chiefs, in order to reach the bench. He lullly concurred with all that was urged against the bill in general by the learned members who preceded him, and should strenuously oppose any immediate action being taken in its favor.

Hon. Attorney General in reply again referred to the point that members not being in their places on the opening of the session. From the report of the debate, and in consideration of the Government being held blameless for delay in the transaction of public business, he should not further oppose a postponement. Second reading put over till Thursday.

WE HAVE THE PROOF! That Bristol's Saraparilla and Pills are reliable and certain remedies for heart disease, Rheumatism, dyspepsia, liver complaint and scrofula in all its different forms and stages. Physicians of the highest standing have certified to these facts, and we invite all who "entertain" doubts to read Bristol's "Almanac," circulated free in this country; wherein are published the certificates in full.

THE LEADING PERFUME OF THE AGE! From Fresh Culled Flowers.

MURRAY & LANMAN'S CELEBRATED Florida Water.

This exquisite Perfume is prepared direct from Sicilian Tropical Flowers, of surpassing fragrance. It is almost inexhaustible; while its influence on the SKIN is most refreshing, imparting a Delightful Buz; any to the overtaxed Body and Mind, particularly when mixed with the water of the Bath. For Fainting Fits, Nervousness, Headache, Debility, and Hysteria. It is a sure and speedy relief for the worst cases of Fashion; it has for 25 years maintained its ascendancy over all other perfumes, throughout the West Indies, Cuba, Mexico and Central and South America, and we confidently recommend it as an article which, for the delicacy of flavor, richness of bouquet, and permanency, has no equal. It will also remove from the skin Roughness, Blisters, Sun Burn, Freckles, and Pimples.

It is as efficacious as the Otto of Rose and lends freshness and beautiful transparency to the complexion. Blended with water it makes the best dentifrice, imparting a pearly whiteness to the teeth; it also removes all smarting or painful eruptions, and is a splendid COUNTERFEIT. Beware of Imitations. Look for the name of MURRAY & LANMAN on the bottle. Wrapper and ornamental case. Prepared only by MURRAY & LANMAN & KEMP, Wholesale Druggists, and FOR SALE BY ALL DRUGGISTS, in this and every city.

BRISTOL'S (Vegetable) SUGAR-COATED PILLS!

THE GREAT CURR FOR ALL THE DISEASES OF THE LIVER, STOMACH AND BOWELS. Put up in Glass Phials, warranted to KEEP IN ANY CLIMATE. These Pills are prepared expressly to operate in harmony with the greatest of blood purifiers, BRISTOL'S SARAPARILLA, in all cases arising from depraved humors or impure blood. The most hopeless ailments need not despair. Under the influence of these GREAT REMEDIES, maladies that have heretofore been considered utterly incurable, disappear quickly and permanently. In the following diseases these PILLS are the safest, the quickest, and the best remedy ever prepared, and should be at once resorted to.

Only 25 cts per Phial. FOR SALE BY ALL DRUGGISTS. Hostetter, Smith & Dean.

SILVER MEDAL, PARIS EXHIBITION 1867.

PEPSINE, WINE-LOZENGES-GLOBULES.

THE most agreeable and powerful remedy for indigestion, flatulency, and biliousness. In bottles and boxes. PANCREATIC EMULSION in 4 oz. S. P. and 10 oz. bottles. SACCHARATED WHEAT STARCH TABLETS, a valuable dietetic preparation for all febrile and bilious affections. GELATINE AND CRESOTE (Morson's), OILIODYNE, in bottles (Morson's). PURE GERMANY'S AND LATEST PREPARATIONS. T. MOBBERY & SON, General Commission Merchants, 11, 13, and 15, Southampton Row, Russell Square, London. Orders to be made payable through Agents or by SHIPPING ORDERS CAREFULLY PACKED.

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In this case yesterday I delivered the following decision: "This is an action tried at before me and a special jury when a verdict was found for \$9,000, and interest at the rate of 6 months. The declaration was in form for money had and received of the plaintiff. The only defence was that the first party was a plaintiff's first party."

PARTICULARS OF UNDER the money counts plaintiff seeks to recover with interest at 18 per cent the 15th day of July, A. D. 1867, of \$9,000 being so received by the defendants to plaintiff on the payment by of British Columbia of a sum thereabouts; to the defendant one Gustavus Bin Wright. The second particular was FURTHER PARTICULARS. One Gustavus Bin Wright demanded of \$19,000 on the British Columbia, and the interest on the 31st day of 1864, with the said Gustavus Bin Wright's payment of \$19,000, as to the sum thereof in favor of the Bank of a debt due from the said plaintiff, and the defendant further agreed with the plaintiff that the said sum of \$19,000 by the British Columbia on the 15th day of July 1864 had and received by the defendant in pursuance of their several agreements, and the said Gustavus Bin Wright, the jury at the request of counsel, in addition to the said sum of \$19,000, found specially that the defendant should not be reduced of \$4,800 and also by the interest on the grounds presented. This judgment for the plaintiff is subject to the following terms: (admitted and proved) There was evidence to prove that the trial, the said Bin Wright had a debt of \$19,000 on the Government Bank, and that a debt was due to Gustavus Bin Wright to the plaintiff to the question of a debt after mentioned. The sole trial was whether the defendant the plaintiff to appropriate \$9,000 in favor of the plaintiff the same when received by the plaintiff. It was admitted by counsel that the said sum of \$19,000 had been paid by the Government Bank to the defendants them to the use of the plaintiff. The defendants were a company (limited), carrying on business in Victoria, and Cariboo and Quanelle, and their general manager, Gustavus Bin Wright, the Bank, and he testified that on the 13th December, 1864, having his account at the bank, he received the said sum of \$19,000 from the Government Bank, and that on the 13th December received, in as the Colonist British Columbia a letter of which the following is a copy: "I have the honor to acknowledge the receipt of your letter of the 13th December, 1864, and to inform you that the British Columbia to give acknowledgment in advance will be actually due to Mr. Wright to pay the money agent of Mr. Wright's at Melbourne, as may be made Government, on production of the road of the respective contract money being due. I have the honor to be, obedient servant, JOSEPH Chief Commissioner of and Surveyor General, D. M. LANG, Esq., Acting Manager of the British Columbia, V. I. That Lang Really lost addition to what he was sending two notes of \$19,000 to the plaintiff to place the proceeds to his credit, and the proceeds of the said notes were reduced."

On the 24th of February obtained a rule to show cause why a new trial should not be granted, or a new trial had, verdict should not be reduced of \$4,800 and also by the interest on the grounds presented. This judgment for the plaintiff is subject to the following terms: (admitted and proved) There was evidence to prove that the trial, the said Bin Wright had a debt of \$19,000 on the Government Bank, and that a debt was due to Gustavus Bin Wright to the plaintiff to the question of a debt after mentioned. The sole trial was whether the defendant the plaintiff to appropriate \$9,000 in favor of the plaintiff the same when received by the plaintiff. It was admitted by counsel that the said sum of \$19,000 had been paid by the Government Bank to the defendants them to the use of the plaintiff. The defendants were a company (limited), carrying on business in Victoria, and Cariboo and Quanelle, and their general manager, Gustavus Bin Wright, the Bank, and he testified that on the 13th December, 1864, having his account at the bank, he received the said sum of \$19,000 from the Government Bank, and that on the 13th December received, in as the Colonist British Columbia a letter of which the following is a copy: "I have the honor to acknowledge the receipt of your letter of the 13th December, 1864, and to inform you that the British Columbia to give acknowledgment in advance will be actually due to Mr. Wright to pay the money agent of Mr. Wright's at Melbourne, as may be made Government, on production of the road of the respective contract money being due. I have the honor to be, obedient servant, JOSEPH Chief Commissioner of and Surveyor General, D. M. LANG, Esq., Acting Manager of the British Columbia, V. I. That Lang Really lost addition to what he was sending two notes of \$19,000 to the plaintiff to place the proceeds to his credit, and the proceeds of the said notes were reduced."

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