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And Victoria Chronicle.

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The Constitution of the Council.

On Wednesday the Legislative Council will meet for the transaction of public business, and the first matter that will engage the attention of the House will be the question of the legality of its constitution. The hon. senior member for the city, for the bold stand he took at the opening of the Legislature, is entitled to the thanks of the whole Colony; he has given the people an earnest that the fragments of liberty they possess will be zealously guarded during the session, and that the interests of this constituency have been entrusted to a champion who will do battle manfully in the cause of right and justice. The question propounded by the doctor is simply one of fact, which, unless it can be negatived, will render the convention of the new Colonial Parliament nugatory, its proceedings illegal, and its immediate dissolution imperative. In another column will be found the hon. gentleman's arguments in support of his views, which, we incline to think, will require more than the legal acumen of the learned Crown adviser and his compeers to gainsay. The wording of the Imperial Act uniting the Colonies, we confess, is somewhat loose and indefinite with reference to the representation of the Island in the Legislature, but by no process of reasoning short of absolute sophistry can clause IV. be interpreted to confer greater representative privileges on the mainland than it formerly enjoyed. The Act says: "On the Union taking effect the form of Government existing in Vancouver Island as a separate Colony shall cease, and the power and authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but, in order that provision may be made for the representation of Vancouver Island in the Legislature of British Columbia after the Union, the maximum number of Councillors in the Legislative Council of British Columbia after the Union shall, until it is otherwise provided by lawful authority, be twenty-three instead of fifteen." The only construction that these words will bear is, that the number of Councillors from the mainland, as before Union, shall continue to be fifteen, and that the additional numbers required to make up the total number of twenty-three must, therefore, be supplied from this Island. Thus, Vancouver Island is either constitutionally entitled, as Dr Helmecken remarked, to eight members in the Legislature or to none. This point conceded by the Government, and the question divested of its alleged legal technicalities, the city member may be told by the Attorney General that the provisions of the Act have been complied with, and that the present Council is composed of twenty-three members, eight of whom represent Vancouver Island. The Hon. W. A. G. Young occupies a seat in the Council, but has never been gazetted, and by what right or in what capacity

the hon. gentleman sat in the House on the opening day there was nothing to show. The Gazette announced that His Excellency had nominated the Colonial Secretary and Treasurer of British Columbia to be Councillors. These offices being filled by two New Westminster officials, of course excluded the Colonial Secretary and Treasurer of this Island from the Council, and there was no subsequent notification of any change in the heads of departments or of the Crown nominees. It was not until the President addressed the Hon. Mr Young as Treasurer, and that the Treasurer of British Columbia was not a member of the Council. Here may be the loop hole through which Government will seek to make its escape; if so, Dr. Helmecken will have so far gained his point, but it will be curious to watch what explanation will be offered for the anomalous position that so valuable a public officer as Mr Young is made to occupy in the House. Whether the hon. gentleman received the appointment of acting Treasurer on his way to the Council Chamber, or was directed to take his seat as one of the Island magistrates, it is evident that Mr Young is intended, in whatever office he may subsequently be placed, to represent the Government of British Columbia in the Legislature, and cannot, therefore, with justice to himself or to this community, be regarded as an Island member. Dr Helmecken is, however, contending for an unquestionable right, and any attempt on the part of the Executive to compromise the matter under cover of Mr Young's seemingly irregular appointment will amount to a virtual concession of the question without meeting the injustice of the case.

LOCAL INTELLIGENCE.

Monday, Jan 28.
Opening of the Legislative Council.
The first Council of the United Colony of British Columbia and Vancouver Island was opened on Thursday by His Excellency Governor Seymour. At 1:30 the members of the New Westminster Volunteers, under Capt. Pritchard, the Home Guards under Capt. Calder, and the Seymour Artillery under Capt. Holmes, assembled at the Drill Hall, and headed by the Brass Band marched to the Camp, accompanied by a number of citizens and visitors. The Volunteers were drawn up as a guard of honor to receive His Excellency at the Council Chamber, while the hall was quickly filled with spectators. The Hon. members present were the Hon. Colonial Secretary Birch, who appeared in the uniform of the Civil Service, Hon. Acting Treasurer Young, Attorney General Crease, Solicitor General Wood, Chief Commissioner Trutch, Collector Hamly, Magistrates Brew, Bell, Cox, Sanders, O'Reilly, Macdonald, and members elect Helmecken, DeCosmos, Pemberton, Southgate, Robson, Stamp, Walkem, and Smith. Among the ladies present were Mrs Seymour, Mrs Trutch, Mrs J. Trutch, Mrs O'Reilly, Mrs Crease and daughters, Mrs Jones, Mrs Homer, Mrs Bushby, Mrs Sanders, Miss Moreby, Mrs Dickinson, Mrs Thomas, Mrs Black, Mrs Holmes, Mrs Kemp, Mrs Pritchard, Mrs Holmes, Mrs Rasthon, Miss J. Nagle, Mrs Claudet, Mrs Dewdney, Mrs Wright, Mrs Cunningham, Mrs Holt, Mrs Westgarth, Mrs J. Young, the Misses Calder, etc.
At 1:30 p.m. His Excellency arrived in full uniform attended by Messrs Maunsell and Sipletoe, the Volunteers presenting arms and the band playing the National Anthem. After administering the oath to the members, His Excellency read the opening speech, which has already appeared in our columns, and retired, H. M. S. Malacca, which had arrived in the morning and anchored in the stream close by, celebrating the opening of the House by a salute of 18 guns. The presidential chair was then taken by the Hon. Colonial Secretary Birch who formally opened the proceedings.
Hon. Dr Helmecken rose and said he felt some diffidence at this early period after the Union of the Colonies, in bringing forward any subject that might cause difference of opinion; the members of the Council should rather strive to work for the benefit of the whole country without sectional differences, but there was a matter that had created considerable agitation in the public mind of Vancouver Island, which he felt it incumbent upon him to bring to the notice of the Council at the earliest moment; he alluded to the subject of only seven members having been appointed to represent Vancouver Island. According to the Act he believed that the people of Vancouver Island were entitled to eight members, and on examining the Government Gazette he could find no more than seven. This was an important

subject, for if Vancouver Island were entitled to eight members, and only seven were allotted to take while the full number of twenty-three was made up, then the Assembly must be illegally constituted and the defect must be remedied before proceeding any further. His own feeling was that the Island was entitled to eight members, and that the Act could not be construed any other way, though he was open to conviction, and hon members learned in Law might be able to remove that impression. He did not think that there could be any difference on that point. If Vancouver Island was not entitled to one more member, then she was not entitled to any members at all. He felt sure the Governor did not intend to deprive the people of the Island of the small modicum of representation that they had, and that what they had sacrificed for Union. They felt this more poignantly than any other section; since they had once been free they felt they were not the same as they were before, though they hoped soon to be placed in a similar position; and he would leave it to this Assembly to say whether they were entitled to one more member or any one. This matter might possibly have been overlooked, and he felt confident His Excellency would endeavor, when a grievance was represented to him, to have it remedied.
Hon. Attorney General Crease in reply said he was not prepared with papers or documents and it was therefore impossible to go into the question; it was moreover a subject that would take a long time to discuss, and he would ask that it might be brought forward the first thing at the next meeting. It was usual according to standing orders to give proper notice as the late Speaker of the Vancouver Island Assembly was aware.
Hon. Dr Helmecken had no objection to defer the question were it not so important, for if the Council was not legally constituted the sooner it knew it the better. (Hear, hear.) He did not yet know what the standing orders of this Legislative Council were, but the Hon. and learned Attorney General must know since he had himself been a member of the Vancouver Assembly, that a question of privilege could be brought up at any time without notice. He (Dr H.) brought this forward as a question of privilege. The Hon. and learned gentleman's reply looked as if the question had not been considered and that the omission was therefore inadvertent. He would give the Hon. and learned gentleman time to read, look through, and study the Act and would suggest that a special day be named for the consideration of the question. He would leave it to the Hon. gentleman to name his own time. (Hear.)
The Hon. President suggested that the question be placed on the orders of Council for next sitting, which was agreed to.
Hon. W. A. G. Young moved that the Governor's speech be printed, and carried.
Hon. Magistrate for Yale moved the appointment of a Select Committee to frame the reply to the Governor's speech. Seconded by Hon. member for Cariboo and carried.
Hon. Mr DeCosmos asked whether the reply could be discussed.
Hon. President said the Council had adopted the same rule as prevailed in other Colonies. The Committee would present the reply when framed to the Council for its consideration. He would nominate the Hon. Collector of Customs, Magistrate for Victoria and Yale, and the members for New Westminster, Victoria District, and Cariboo.
Hon. junior member for Victoria said it was not contrary to the rules of the Council he wished to give notice of an important motion. [This was understood to be an address to the Governor to cause the suspension of the collection of duties on goods shipped from Victoria to New Westminster.]
Hon. President did not like to break through the rules and said it was not usual to accept notices of motion before the reply to the Governor's speech had been considered.
Hon. Mr Ball moved, seconded by Hon. Mr Brew that the Council adjourn till Monday next.
Hon. senior member for Victoria moved in amendment, seconded by Hon. Attorney General, that the House adjourn till Wednesday at 3 p.m. The amendment was carried, and Council adjourned accordingly.

FROM THE KOOTENAY MINES.—We learn from Mr Milby, who left Wild Horse Creek in November, that he considers that the best mining camp in the country. There were about 73 white men and 275 Chinamen wintering on the Creek, and all doing well. Every man had money and business was brisk. The Chinamen live in style and are better off than their countrymen in any other part of the Colony; they dress well and emulate the manners and habits of the white man. There will be a large number of miners there next season, and it is believed that other creeks in the vicinity will be prospected to advantage. Mr Milby came by way of Fort Shepherd and Colville, over the Government trail, which he pronounces a great blunder. On Salmon Mountain there were 14 feet of snow, and on the Cascades several feet. The want of a good trail is the cause of winter coming from the American side. The winter at Kootenay was pretty open. There were only a few inches of snow on the creek.
NANAIMO COAL.—The new bore in operation has reached a depth of over 400 feet. The indications are extremely favorable, and coal it is supposed will be struck within the next day or two.

EDUCATION.—In our observations on Friday on the Governor's opening speech, we omitted to notice one important item, namely, that concerning Education. His Excellency must be aware—for he was informed of it by the Board of Education—that the teachers have been continuing their labors in the most praiseworthy manner, since August last without receiving any salary, and without even entering a complaint. Under such circumstances, the subject might have been considered one of the utmost urgency. But how does His Excellency express himself on the matter? He says: "I shall address you a message on Education and a few other topics in the course of the session." In other words, the urgent question of Education may be postponed for several months. How the teachers will bear this fresh delay, it is difficult to say; but, if prolonged, it must amount to closing the schools altogether—a result that the Governor can scarcely contemplate.
MESSRS. GRIFFIN AND THOMAS, the two gentlemen appointed to wait upon the Governor with the petition on the subject of the Liquor Licences in Victoria, returned by the Enterprise on Saturday afternoon. They were very courteously received by His Excellency, who assured them that the subject would be brought under the notice of the Council at the earliest possible moment. From what the Governor said, they are led to believe that the licences will be charged at the same rate as in New Westminster, which will be a reduction of about thirty-three per cent. A still further reduction was suggested by the deputation, but His Excellency said that present circumstances would not permit of additional relief at present.

FROM NEW WESTMINSTER.—The steamer Enterprise arrived on Saturday from Fraser river, in six and three-quarter hours, bringing a Cariboo express and about sixty passengers, among whom were Bishop Hills, Reverends Browning and Duff, Father Seghers, Hon. W. A. G. Young, Dr Helmecken, Pemberton, Southgate and Stamp; Messrs J. and T. Baie, Barry, Sutton and Milby from the upper country; and Messrs Elliott, Griffin, Thomas, Woodcock, Picht, Henderson, B. B. C. Cunningham, Mesdames Thomas, Rashton and others from the capital.
RUFFIANLY.—On Saturday evening, an inoffensive Chinaman, while passing along Government street, near O'Dwyer's bakery, was knocked from the elevated sidewalk into the street, and severely injured by a young white ruffian who, unfortunately, made his escape, although pursued by an eye-witness. The poor celestial was assisted to his feet by passers-by. It is to be regretted that the dastardly fellow cannot be traced and punished as he deserves.
TRINITY CHURCH, N.W.—A premium of \$100 is offered by the rector and churchwardens of Holy Trinity, New Westminster, for what may be in their opinion the best design for a pure Gothic church, 110 feet in length, of which the chance is to be less than one-fourth and not more than one-third. It is not intended, at present, to erect more than the chance and so much of the nave as will accommodate 150 persons.
IN LUCK.—We are glad to hear that a telegram was received from Barkerville on Saturday stating that the United Tunnel Company in the bill on Conklin Gulch had struck it rich. They were supposed to have found the Ericsson lead, which proved so remunerative the year before last. Mr George Webster of this city, among others, is the fortunate owner of a half interest in this claim.
THEATRICAL.—The Marsh and Pixley families, with some amateurs and musicians, will leave by the Enterprise to-morrow morning for New Westminster, where they will give two or three entertainments in the Theatre, which has been placed at their disposal by the New Westminster Dramatic Club.
IMPORTS.—The Government Gazette contains a table of the imports for the past six months ending December 25th, 1866, at New Westminster, which foots up to \$484,267 22. The value of the imports to the port of Victoria from the 20th November to the 25th December was \$83,318 05.
EX-MAYOR HARRIS has opened one of the largest and most stylish markets on the coast, and stocked it with choice meats of every description. We hope that Mr Harris will meet with a hearty support from the public—no one deserves it more.

ECCLESIASTICAL.—The Bishop of Columbia returned on Saturday by the Enterprise from New Westminster, where he preached and held a confirmation yesterday week, and made a visitation of the two churches during the week.
FIFTY (LIVE) AMERICAN INDIANS, men, women and children, are to visit the World's Fair at Paris, leaving New York in March. They will carry with them their wigs, canoes and household and war implements.
FEMALE IMPRISONMENT.—Mrs Seymour has been pleased to accept the office of Patroness of this valuable institution, which is appealing with strong claims at the present time for the assistance of the benevolent.
THE RAFFLE for 28 volumes of the Encyclopaedia Britannica took place on Saturday. Mr Robt. Bishop was the fortunate winner.
SUMMARY COURT.—A Summary Court will be held to-day at the Court house, James Bay, at 10 o'clock a.m. There are about 17 cases, some of which are important.
BROTHER'S LEDGE.—The beacon staff on this rock has disappeared, and should be immediately replaced by a conspicuous buoy.
IT IS EXPECTED that Captain Porcher, of H.M.S. Sparrowhawk, will deliver a lecture before the Mechanics' Institute on Thursday evening.
SNOW was falling at New Westminster on Saturday morning when the Enterprise left, and considerable float ice was coming down the river.

Cariboo.

(From the "Examiner.")
Dietz & Nelson's express and mail from Cariboo arrived on Tuesday, 27th inst., from the 9th inst. Canoes also arrived with Mr John Baie, of Williams Creek, and Mr. Thos. Baie, of Lytton, Mr W. H. Sutton and Mr Henderson, of Yale.
Barnard's express sleigh had arrived at Yale, with twelve passengers, amongst whom was Mr Jones, appointed to take charge of the Bank of British Columbia in New Westminster.
Mr J. Baie left William Creek on the 9th inst., and furnishes us with the following:
The weather was mild on Williams Creek, and six to eight inches of snow on the ground. Most of the claims were working. The Heron and Discovery claims on Grouse Creek are paying well. A rich quartz lead has been discovered on Canyon Creek Sleighing is good to Yale.
MARKETS.
The markets had settled, flour selling at 24c to 25c; butter, \$1 25 to \$1 50; sugar, 35c to 40c; beef, 25c to 30c; mutton, 40c; candles, 90c to \$1; bacon, 75c; tea, \$1; H. B. Co. tea, \$1 50; coffee, \$1. There is an extensive assortment of goods on the Creek.
Mr Baie expresses belief that flour, the coming season, will be sold as low as 12 1/2c, and does not intend to ship any from the lower country. At the present time flour can be obtained at Lytton for 8c. The Lillooet mill will in future manufacture one brand only—extra—the miners wanting the very best quality. Mr Adams will have his grist mill at work at an early period. Grain is expected, can be supplied in abundance at 3 1/2c to 4c.
Some parties on the creek had started curing bacon and sold it at 50c. Wages were seven dollars a day. There were no idle men, and money was plentiful. All business is now transacted only by the medium of hard cash, from two bits up, to the satisfaction of all parties.
On Grouse creek mining was still being carried on with vigor. The Heron and the Discovery were paying well.
On Canon creek a rich lead has been discovered in another of the quartz claims.
Barnard's express continues to make bi-monthly trips. Mr Barnard's energy is highly spoken of by the miners and traders between Yale and this city there is no float ice to interfere with navigation.
We have received the Cariboo Sentinel of the 31st ult., but it contains little news. The Mining Board were still engaged in revising the Mining Laws. The Board passed resolutions recommending the removal of the Public Library and Post Office to Barkerville. The board also strongly recommend that no extension of the Charter of the Grouse Creek Bad Rock Flame Co. be given, as they had utterly failed to comply with the terms thereof.
MINING INTELLIGENCE.
The following is from the Sentinel:
The Heron Co. is still paying largely; for weeks ending December 15th, it paid \$4,500; dividend, \$350 to the interest. For weeks ending December 22d it yielded \$6,567; dividend \$600 to the interest.
The United company has quit for want of water.
Nearly all the claims above Richfield are paying over expenses.
The Dutch Hill company paid 56 ounces last week, including a \$90 nugget.
The Welsh Company took out for last week 300 ounces.
The Bed Rock Drain Company have begun work again.
The Discovery company on Grouse Creek is paying largely again.
Mr Martin Torrey met with an accident by the explosion of a powder flask.
The colored population of this district intend celebrating the anniversary of emancipation in the United States, on the 1st of January.

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