

The Weekly British Colonist AND CHRONICLE.

Saturday, September 19, 1868

"Amongst a free people self-reliance is a virtue, but contemptible subservience is a mean habit."—SERRAVALLO.

Our correspondent who, under the assumed name of "Self-Reliance," who enquires "what is Confederation?" is one of a small minority in this Colony who do not think it possible to improve by change, he is evidently no believer in reform. In fact we take him to be one of those antiquated fossils who have vegetated in some part of the Colony since the glorious old days of Hudson Bay regime, one of that class who have rigidly opposed any attempt at progress since the first formation of the Colony. But our correspondent according to his own account of himself, is a large man of sense and substance; right glad are we to see such an one inquiring; it may be possible even in the eleventh year of his vegetation in the Colony, that he may learn something. We can hardly tell whether "Self-Reliance" takes up the pen really as an opponent of Confederation, or as a champion of the Governor and Government, to whom he wishes to give fair play; he is however, one of those favored few who believe implicitly in the infallibility of the Civil List. We wish that the public of this Colony had really reason for a similar faith. There is however, one broad fallacy into which "Self-Reliance," in common with other opponents of Confederation, has fallen; he seems to take it for granted, that those who desire to see this Colony join the Confederacy, are careless and indifferent about the terms and conditions under which we are to join—that this is the case we emphatically deny. Those who are earnest in their desire to see this Colony grow in wealth and importance as a member of the Dominion, will never lend themselves to a policy which would hand over British Columbia to be dealt with by the Dominion Parliament without previous provision for such rights and privileges as British Columbia may fairly expect, being made. Others there are who, when they deem it to their individual interest to fall into the Imperial policy of extending the Dominion to the Pacific, may very probably be perfectly willing to allow Confederation to be consummated at any price. The very Governor and members of the Government, for whom our correspondent claims assistance, are silent now when terms can be made; hereafter when the Imperial Parliament have determined upon carrying out the Confederation policy to its fullest extent, can we expect any more energy or activity on the part of our Executive than we have hitherto experienced? Is it not more likely that they will at once fall into the views of the Imperial Government thinking of their own personal interests which may then be advanced by their ready acquiescence? Those also who advocate delay, and who will do nothing at present but will wait and see the effect of the union; are really playing into the hands of those who wish for Confederation without terms; not so, the true out and out opponents of Confederation, these latter are at least open in their sentiments if they are somewhat slow in their movements; from them we may hope for some energetic opposition which will at least obtain a hearing, and their opposition will possibly procure for us some terms and conditions which those in favor of the movement might be induced to forego. But in order to throw cold water upon Confederation, our correspondent takes upon himself to defend the Government, and to extol the financial position of the Colony. Let us examine the few facts as put forth by "Self-Reliance"; he asks whether we believe in our heart that this country is one jot more financially embarrassed than she was some five years ago? An editorial heart is verily somewhat of a novelty and the belief that it might entertain in opposition to facts would be very immaterial. Five years ago public works of some magnitude were going on in the Colony; can our correspondent point to any now? Five years ago there were funds in the public

exchequer; let our correspondent present a bill for payment now, and he will find that every dollar of our revenue, outside of the \$130,000 which is annually sent to England, goes out as fast as it is collected to pay official salaries and to discharge temporary loans, which never ought to have been contracted. It is easy to make a broad assertion, but if Self-Reliance had referred to such Colonial records as are open for public inspection, before asserting that "we are less embarrassed than we were five years ago by a reduction of the Civil list of \$90,000" he would probably have shrunk from claiming, on behalf of his clients, a reduction which he might easily have found out had not been made. Every one in the Colony knows the extent of the reductions in the Civil list, and a moment's consideration will show that the figures \$90,000 are entirely erroneous. Neither the press of this Colony nor the advocates of Confederation ever attempt to deny that agriculture, stock raising, the lumber trade, flour manufacture, &c., are on the increase; on the contrary, they bring forward this very increase as an evidence of the vitality of the Colony, and of the pluck and endurance of the people, who, in spite of the disadvantages of over taxation and misgovernment, have managed to progress. Fall well do the Canadian farmers know from historical experience that the apathy, carelessness, indifference and want of energy of one man, backed though he be by most honorable officials, will not long keep back a country which has such natural advantages as our own; the people must sooner or later have the principal voice in the Government of the country, with or without Confederation. Our correspondent might be right in his idea that Great Britain will make a railroad from the Atlantic to the Pacific within two years, but such a work will only be in connection with the Imperial policy of extending the Dominion. There is one thing connected with the existing Government upon which our correspondent, who desires to wait two or three years whilst things have time to recover, ought to have been posted by his official friends. The time allowed by the Secretary of State for the adjustment of the system of Government of the United Colonies has long since expired. Three years ago Mr Seymour enjoyed the reputation of being thoroughly capable of remodelling the Government; upon the Union, he was sent out here with certain general instructions. Had the spirit of those instructions been carried out, not only would the whole Government staff have been reduced more than a year ago, but the Imperial Government would have been informed by the Colonial Government, that the necessity for a Governor drawing a high salary did not exist, and the reduction of his salary by more than one-half would have been recommended. It was thought that Gov. Seymour could complete the work allotted to him and return to England, making way for a Governor with a salary commensurate to the position of the Colony, within a year and a half from the Union; and this is the Governor and Government for whom "one of sense and substance" asks fair play and assistance instead of censure and opposition. When the public press of a colony see that a Governor prefers his own ease and comfort to the good of the people, and when they see, not only an utter indifference to the interests of the Colony, but more a neglect of those instructions which, if properly carried out, might have advanced the Colony beyond measure; and when they see members of the Government neither proposing nor suggesting reductions and amalgamations, which they know to be expedient, and careful of nothing but saving themselves trouble, and keeping the Governor in ignorance of the feelings and wishes of the people, then indeed they will be false to their trusts and recreant of their duty, if they bestow praise where censure is due.

The Recent Gold Discovery.
Tuesday, Sept 15
In order to ascertain the value of the discovery made a few days since by Thompson and Peterson on Wolf Creek, Leech River, we have extended our inquiries beyond the surface. So far as gold having been found in quantity and quality as stated, there is no more doubt than of the previous strikes made in the same district. We believe it is likely to be of more advantage in the end than any strike made previously; it has excited new hopes, and induced persons of means and reliability to assist in a thorough investigation of that district. The particulars of the discovery are as follows:—Thompson and Peterson went out to Wolf Creek last April, to bottom what is commonly called a pot-hole in the creek, in which, after considerable labor, as they might have known beforehand, they found nothing. Their attention was then directed to the banks of the stream, in which they found a prospect which induced them to bring in a ditch from an adjacent lake, and by the water thus obtained, they washed fifteen days without any particular result; but in the last of the ground, about six feet square, they got \$93 in coarse gold, the largest piece weighing over \$27. Whether they have struck a lead of coarse gold running into the bank, or simply found a rich spot common in coarse gold deposits, can not be answered before next spring, when a hydraulic, which these parties have determined to put up, in time for the wet season, will have an opportunity to test. Should it be successful, abundance of water can be brought in from adjacent lakes at no very great outlay, and we may hope next spring to see a new era in mining inaugurated in our neighborhood. Prompted by the best motives, the good of the country, a party of men of means and pluck, are fitting up an expedition for three weeks exploring at Wolf Creek, and they take with them the necessary tools and provisions to enable them to work, which they intend doing in earnest. They will probably leave to-morrow morning, and we hope their good example may have its reward.

THE AGRICULTURAL EXHIBITION.—The Executive has wisely and generously tendered the use of the Government vessel to carry produce and articles intended by the settlers of the agricultural districts for exhibition at the forthcoming show, together with the exhibitors themselves free of charge, both to and from the City. No doubt it will be a stimulus to invite a hearty emulation amongst our rural dwellers to put in a still more respectable appearance. At a meeting held yesterday afternoon, it was resolved to accept the liberal offer of J. P. Davies, viz, the gratuitous use of his cattle sale yard and adjoining lots on Fort street; a sum of \$30 as special prize; and also the handing over to the Society of any fees which may accrue to him at the exhibition. It will thus be seen that a change in the location of the show has been made—thus, with a view to provide against contingency in case of wet weather. We have to state, moreover, that additional prizes will be offered, and in a few days a new bill of same will be published, and the ever considerate public will, it is expected, be called upon to make an additional contribution. Victoria must not be behind its sister towns in the success of its agricultural exhibition.

BAD STREET CROSSING.—On a previous occasion attention was called to the inconvenience suffered by the public from the street crossing at the intersection of Johnson and Douglas streets. Our remarks, it appears, have only had the effect of turning inconvenience into danger, and this trifling with public rights by those in authority can be no longer tolerated. The crossing now spoken of forms the thoroughfare to and from five churches of those in the city, and yet to remedy the inconvenience caused, by causing down the street, mean economy has been practiced. A strong plank and a very weak one have been placed side by side from the level of the street to the sidewalk, which together make a perfect trap, and on Sunday night last especially, being dark, several very severe falls were caused by the merest chance. Of course no one is responsible; but we think in case of injury sustained, the City Fathers will find to their cost that they are responsible.

THE STEAMSHIP ACTIVE AND G. S. WRIGHT.—The steamships Active and G. S. Wright left for Portland yesterday morning at 11 o'clock. The Active had a number of passengers; they were, chiefly those of the families who had been for sometime visiting this town returning home. The G. S. Wright had twelve passengers from the Sound on their way to Portland.

ADMIRALTY COURT.—In Re ship Ellen: In this case the Judge will consider the question, whether production of an original bond is necessary for the order of it to be entitled to the balance of proceeds in court. In Re ship Mohita: The question as to costs was arranged outside.

POLICE COURT.—Wm Hamilton under remand for some days for petty larceny and being a suspicious character, was yesterday sentenced to three months imprisonment.

TELEGRAPH.—Owing to the line being down between this city and Yale, we have been unable to receive our expected despatches relative to the proceedings of the Convention. The line, we understand, is down also between here and Portland.

ASSIZES.—A Court of Assize will be held at Yale on the 19th prox. before His Lordship Chief Justice Begbie.

SUPREME COURT.
(Before Chief Justice Neidham.)
Monday, Sept 14th, 1868.
In the matter of Alfred Dudois.—The prisoner was indicted at the last Assizes for cutting and wounding the prosecutor. The Jury found the prisoner guilty of cutting without intent. Mr Ring, counsel for the prisoner, now applied to have the prisoner discharged on the ground that this finding amounted to not guilty. He urged that the Court could only look at the words of the verdict, and could not now by inference add the word "unlawfully" which is essential to make the finding of the jury equivalent to guilty; citing 2 Haw c. 47, Huggins case, 2n Ld Raymond, Russ on crimes v. 1 p. 547, argued before the 12 judges in Sergeant's Inn, where they unanimously say: "we cannot take things by inference, we cannot intend, nor infer them, we must judge of facts, and not from evidence of facts. Mr Ring contended, that to justify the imprisonment of the accused, the word "unlawfully" must be implied but the court has not the power or right to do so; because in criminal cases the verdict cannot be amended, Oam Dig. v. 1 591, and such inference would be a substantial amendment; that the intention was a fact to be collected by the Jury from the facts proved, and their verdict in this case negatived all evil intention; that crimes consist wholly in intention; that intent and act must concur to make a man guilty; that in order justly and calmly to decide this question, the Court ought to consider itself sitting in banco, having nothing before its consideration but the legal effect of the naked words of the verdict. Mr Ring urged that it was far more important to public freedom that a guilty man (if the accused were such) should escape, than that constitutional principles should be invaded by the judge, usurping the functions of the jury, by adding to the question of intent, which here was purely and exclusively for the jury alone to decide. The Attorney General briefly replied, referring to the Judge's charge, and what took place between the jury in Court, and claimed that from a view of the whole, the word "unlawfully" might be inferred. Mr Ring protested against any reference to extrinsic matters. The simple question being, what was the legal meaning of the words recorded by the Registrar; that could be only collected from the words themselves. The Court, however, adhered to its former decision, which, it will be recollected, was adverse to a similar application made by Mr Ring before sentence, but gave Mr Ring leave to move upon the same point, which he availed himself of to-day.

PROBATE COURT.
(Before Chief Justice Neidham.)
Monday, 14th Sept, 1868.
On an application made for Probate of the will of Butler, late of the firm of Charley & Butler, by the widow; Mr Bishop drew his Lordship's attention to the fact that unauthorized persons were in the habit of doing the work of professional men. His Lordship stated that nothing appeared to that effect in the case before him, but on looking into the papers, he refused probate of the will, as it was imperfect in form, and ordered that the widow should be at liberty to take out administration, and at the same time he took the opportunity of pointing out that wills and other legal documents drawn by incompetent persons frequently failed in their effect, and that he wished it known that unauthorized persons acting as solicitors and attorneys, rendered themselves liable to severe penalties.

APPLE CULTURE.
EDITOR COLONIST.—I see some remarks on the culture of the apple, by Mr H Mitchell and they strike me as extremely valuable, as well as opportune. I was a grower of apples in New Hampshire, and would like to say that the winds blow on this Island as well as in New England or Denmark. We once planted a whole row of apple trees without staking them, and lost the fruit for many years after they were well grown. The trees were shaly, the roots not running down well; we cut the tops all off and re-grafted them, and during the time the new tops were growing, the roots had time to enter deeply. Doubtless apples that do well there, do not so well on the Pacific Coast, and many do well here that would not there. Without a doubt, a large addition will yet, in time, be made to Mr Mitchell's list.

N B.—Would not the Porter apple do well here?

Free Trade.
EDITOR COLONIST.—How does it happen that as soon as one leaves the City of Victoria and enters the agricultural portions of Vancouver Island, the grumbling and growling so prevalent in the former one mile square of the Colony ceases to be heard? The fact may be accounted for by another fact; that the agriculturists are prosperous, the commercial classes not so; therefore, the former are content, the latter more or less discontent. The farmer has plenty to do, the whole of his time can be profitably employed. The man of business has little to do, cannot fill up his idle hours so advantageously, and therefore he talks to his neighbor at the door, of dull times and so forth, blames everything and everybody as the cause, and grumbles as a matter of course. The city possessing a concentrated population, its growth is concentrated also, and therefore loud and plainly heard. Did it ever occur to the citizens that the people make the country—that the prosperity of the country must depend upon the inhabitants thereof? They must rely upon themselves and not call upon the Gods for assistance. The Gods help those most who help themselves! If any means can be devised to make the citizens of Victoria as prosperous as the farmers and give them sufficient to do to occupy their time, then the one would possibly, though improbably, be as content and quiet as the other. Let it be here remarked that the people of Victoria must begin to realize the fact, that they are now but a portion of a large country; they must cease to remember that Victoria was, in the days of its isolation, nearly the whole country, and they must recollect that the cost of Government must be greater now, and the officers more numerous than when Vancouver Island possessed free trade and free institutions, and was a small and independent Colony. The complaints urged at that time must not be handed down like heir-looms, but having entered upon a new phase of existence, those must be laid aside and such remedies as may benefit the present state of things sought for, discovered and made use of. Among those remedies, there is one probably more powerful than others, viz, Free Trade in Vancouver Island, in all such articles as are not produced in the country. By this means the advantages and prosperity of the agriculturist would not only not be injured, but actually increased, because free trade here established, a large and more prosperous population would inhabit the cities which they would have to supply with provisions, &c. Of the benefit that would accrue to Victoria under such a condition, it is hardly necessary to write a sentence. With the Americans to the north and to the south of us, trade would be enormously increased to the injury of none, but to the benefit of a large number. Once again our wharves would be a scene of activity, ships visit us more frequently, steamboats would have every inducement to come, and soon there would be a change from the present cry of misery to that of happiness, which would at once induce an immigration to our shores instead of the one which now repels it. I however, for one, do not believe even Victoria to be in the bad state that the growers would make us and the world believe. She has passed her worst days and gradually prosperity will come on. It appears to me that the growls against everything that is, or was, or is to be, are at least fomented for the purpose of making people dissatisfied, and then a sufficient degree of despondency having been obtained, to give them, in their state of dejection, a straw to save them from drowning, viz, Confederation. Let the people throw off this induced despondency, and set to work with clear heads and unbiased minds to find out what it is they really do want—and what will enable them to make money—and get the Government to carry out their wishes. That free trade in Vancouver Island under the conditions named, can be had, there is but little doubt. The official members of the Legislative Council have already more than once declared themselves in its favor; the people of Westminster are not averse to it. The inhabitants of the Upper Country would support it! Who would be against it? If there be so many in favor of such a system, there must be some good in it, which at least is worthy of enquiry. Action is necessary. Would it not be wise for the people of Victoria, who favor the project and whom it would advantage, to form a society for the purpose of getting such a system carried out. Now is the time. For if Confederation is to come (I hope it may not at all), this work must be done and obtained beforehand. Let Vancouver Island have free trade when admitted and demand its continuance afterwards. If Confederation should unhappily happen before its inauguration it will be too late to acquire it afterwards; Victoria will be injured, and the farmers in Vancouver Island ruined—let town and country then at once and for once unite and endeavor to get the system carried out under such terms and conditions that they may deem meet. With or without Confederation it will be equally beneficial—but rather free trade than Confederation.

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