

The Weekly British Colonist and Chronicle.

Saturday, April 10, 1869

THE necessity for change in our system of Government is admitted on all sides; but the character of the change is yet undeveloped. That an early modification will take place, no one doubts, because it must come. Under these circumstances there can be no harm in canvassing the various probabilities. Our readers are aware that there are gentlemen at home who have been and are quietly doing their utmost for this Colony. They do not desire to be prominently known in the matter, hence we have heard little; but we believe their efforts will be none the less effective. It is generally known that twelve months from the present time Governor Seymour goes home; and we do not think that our citizens are inclined to continue the present state of things, by praying for the appointment of a successor who will tread in His Excellency's footsteps, and accept the same emoluments. This, if seems, is pretty well understood at home, and we think that in view of the early termination of the present system by the premature departure of the present incumbent of the gubernatorial chair, we can fully account for the apparent want of solicitude on the part of the home authorities in the very inconsistent position we hold with our present cumbersome form of Government. Need we be surprised, then, if some of the proposed alterations to be made at the expiration of the term for the stay of Governor Seymour should have excited our attention? And it is with a sense of relief that we refer to an item in our news columns in which a part of the particulars of the possible regime is stated. It would appear that a man of good business capacity and experience has been recommended by friends of the Colony for the Governorship as a very moderate salary compared with the present disproportionate amount paid to Mr. Seymour, who, with every desire, no doubt, is prevented by the peculiar character of his interests from filling the position in suchwise as to give satisfaction to the Colonists. We further learn that it is proposed to arm the new representative of the Crown with a carte blanche by which he will be empowered to reduce the official staff to such reasonable dimensions as shall combine efficiency with an expenditure commensurate with the services required and the taxable means of the Colony. It must be borne in mind, if we have urged immediate confederation, that we have done so in perfect ignorance of possible relief from the Mother country, so that we might calmly mature our terms with the Dominion, freed from the terrible pressure that the present critical state of things involve. Indeed, such were the feelings produced by the apparent callousness of the Executive now ruling that we should have hailed any change with complacency. The whole position, however, is changing, and the light is becoming visible in the distance; our sufferings may continue for some time longer, but we think there will be a termination soon, and, however disagreeable the continuance of existing barthens may be, we can look forward with hopefulness to an early deliverance. How readily will all our difficulties be resolved with an economical system of Government and a man at the helm possessing the knowledge and power requisite to guide the destinies of a commercial people. There will be no further difficulty respecting Drawbacks Bills, or modification of duties; it will only require to be shown that such things are likely to advance the interest of the Colony, and they will be done without hesitation. We shall hear no more of necessary measures requiring to be immediately carried into execution, being sent to England for approval. We shall not be annoyed by having useful laws reduced to mere laws in name, or made wholly inoperative by retrograde officials; the days of obstructiveness are so nearly concluded, that we have no terror in regarding the short period remaining to the present system inflicting any permanent injury on the Colony. On the other hand, coming relief to commerce will encourage our merchants to pursue their avocations here, satisfied that if we do not return to our

flations as to render it unnecessary; and Confederation, when it comes, will find British Columbia prepared to enter the Dominion, not as a bankrupt and a supplicant, but as a Colony claiming and entitled to equal rights with the Eastern Provinces.

Supreme Court.

Before His Lordship the Chief Justice Neidham

Lyons vs Stewart.—This case was proceeded with yesterday. The evidence for the defence being continued, Mr Walker objected that there was evidence to show Mr Robinson had any authority to sign the agreement with Lyons, it absolutely showed nothing that would entitle plaintiff to the amount claimed.

J. R. Stewart, defendant, sworn.—Am a merchant on Wharf street, Victoria; had a conversation in August, 1858, with Mr Lyons in relation to the ship Ellen; I told him Capt. London had written to me in respect to the crew for the ship Ellen; "can you supply them?" Lyons replied that he could supply a "bally" crew, but they would be expensive as some other vessel wanted them; told him that I had nothing to do with the price or the engagement, and if he wanted to make a proposition he had better write to the Captain, and if he gave me a letter I would enclose it to the Captain; he sent the letter to me and I enclosed it; had no connection with the ship; had no authority from the charterer; the conversation occurred before the vessel came over from Port Ludlow; she arrived here on Sunday, 6th September; on Monday, 7th Sept, Capt London came to my office; I did not see Mr Lyons till Sunday, 13th September; I cannot recollect whether I had any conversation with Lyons, excepting the conversation stated first; saw the contract accepted by Robinson on Tuesday the 15th; that contract was not written in my presence; I was not in Victoria on the 9th Sept; I was in New Westminster from the 8th to the 12th; never authorized any one to sign such a document; the conversation on Sunday, the 13th, at 12 o'clock at night, was simply, Lyons told me that Capt. London was drunk and he recommended me to shanghai the captain on board; I refused, as he was not fit to take charge of so much property; he then produced a receipt which was signed by the captain for 13 men; he said, "don't you think I am all right?" I said I could not say; I never said, "I wish I had never seen the captain or the ship; he never warned me if something was not done that night something would go wrong with the ship; the ship was ready to go to sea; I saw Lyons talking to the captain on Monday morning near the saloon of the former; I asked the captain why he had not gone to sea; he said he was "bilked" by the man Lyons and was after men; I said the matter had become so serious that he must not go on board until I had time to communicate with San Francisco by telegraph; I told Lyons what I had said to the Captain; I never saw the Captain afterwards. About noon of that day Lyons called, he said the receipt I had made about the telegram had sent the Captain off; he denied having assisted the Captain to go; He presented a note in favor of Mr Robinson for \$50; I told him I did not know anything about it; Robinson came in at that time and I then left. The note was dated the 14th. Saw Lyons on the following day, he presented an order signed by Mr Robinson, I told him I would not pay it as Robinson had no authority to sign my name; that he had not supplied a crew for the ship, and told him I believed the receipt he had shown me for the crew was a forgery; I did not tell Lyons the note was all right and to call Lyons tomorrow. Lyons applied frequently afterwards for payment; told him if he would go over to Port Townsend and put a crew on board the ship that I would pay him, but not otherwise.

Cross-examined.—Carry on business by myself; Robinson is my clerk; never, excepting during my absence, has he acted on his own responsibility; never had anything to do with Lyons except paying advance notes; have paid money to Lyons for shipping crews from money which I afterwards drew by bill of exchange; Mr Robinson has accepted scores of shipping notes on my behalf; he has authority to accept such; was first connected with the ship on the 8th September. I was then authorized to advance the money to pay his crew here by telegraph (produced telegram); first saw the master on Monday morning. He came to my office after his return from Port Ludlow, and said that Lyons was not with the Capt.; had no conversation with Lyons till the 13th; the Capt. telegraphed requesting orders for me to pay the crew; told Robinson I was anxious to get the ship to sea before I left for New Westminster; gave him no orders beyond the usual course of business; Mr Robinson did not inform me that he had accepted anything on account of the Ellen; never heard of the acceptance till 16th Sept; on the Sunday night Lyons said something about the Fly getting up steam; on Monday the Capt. said if he could get two more men he could go to sea; he was sober; I wrote to the owners representing the conduct of the Capt.; he has since been dismissed; Monday 14th, I recommended the Captain not to go aboard because he had been drinking. I did not know anything about the note for \$180 until after the action was commenced. I believe the \$50 and \$170 were paid on my account, and to Robinson as some of his salary. He might have drawn on account of that; I never knew that the mate had signed for 13 men. The fraud of which I complain is that Lyons claimed payment for men deficient in quantity and quality. I am authorized to defend this action by the owners. The Deputy Sheriff sued on the two notes; I believe Austin was the holder of the notes without value. I authorized the proceedings on the notes, but did not direct them; proceedings were had upon the notes to make Lyons a bankrupt. Know Greenbaum; know nothing

about a note for \$150. I think any action quite fair in such a case. Re-examined.—The only difference between an advance note and the note on which I am sued is that the first is for one man and the latter for a number; I was in the habit of leaving blank checks, which Mr Robinson filled up.

J. D. Robinson, sworn.—Am a clerk in Mr Stewart's office and remember Mr Stewart going to New Westminster. I had an interview with Mr Lyons and Capt. London on the 9th of September. They brought in the paper produced, which was part of a full sheet of foolscap paper; on the upper portion was the contract by which Mr Lyons hired himself to provide a certain number of men as crew of the Ellen. I tore this; other portion of the paper off and handed both back to Mr Lyons; the agreement on the other portion was with Capt. London, and I saw Lyons sign it. The contract written on the other side of this document was fulfilled 24 hours after the sailing of the ship. He asked me to accept the contract. The Captain said it was all right, and I accepted the order. I told him the contract was to be returned to me signed by Captain London. Lyons, on the 16th, asked me for money on account of the contract, and I refused it until the document was endorsed by London; if I gave him money it must be on my own responsibility; gave him \$170 for which he gave me his note; the money was paid by cheque signed by Mr Stewart; did not discover till afterwards that the note was for \$180; I only gave him \$170; never asked him for interest; the other note was paid to Mr Lyons; when I came into the office I saw Stewart handing the note back to Lyons. On Tuesday, 16th, Lyons presented the order dated 9th September for payment; I asked him to produce the contract signed by Capt. London; he produced the receipt, which I declined, telling him I would not pay until he brought the contract agreed; saw the Ellen at Port Townsend about the 20th.

Cross-examined by Mr Robertson.—Told Mr Stewart about the acceptance on Monday the 14th; I am sure he knew of it on Monday; I am not sure Mr Stewart saw Capt. London before he saw me; the \$170 was a personal transaction; I can't say whether I charged myself or not; a servant substituted the owners; the \$180 was paid by me to Capt. London as a bribe to induce him to sign the agreement. Mr Stewart was acquainted with the circumstances afterwards; he was told about the bribe by Capt. London. I swear I never got a cent for my action in the matter; it was for the benefit of the owners; I attended to Mr Stewart's business; Mr Stewart repudiates my authority to sign the contract; he did so on the 16th Sept.; he said I should not have accepted it; he did not say for what reason; debited the ship with \$170; Lyons was sued for \$180; I endorsed the note to Mr Drake; I got no value for it; I gave the note to Mr Drake after this action was brought on; the day I gave the money to Lyons I received it back from London. I debited myself with the money and afterwards cancelled it. The captain only gave me \$30 on the last note and I made up the \$20 out of money which I took out of Mr Stewart's cash box on my own account. I had no interest in advancing the money. Lyons said to me, "will the money be all right if the men are shipped?" I said, yes.

Re-examined.—It was at Capt. London's request I advanced the money to Lyons. London told me Lyons was going to repay him \$200 with which the ship was credited. The evidence of Wm. London, taken 13th February 1869, was here put in.—I arrived in Royal Roads on the 6th Sept. Consulted with the agent of the ship who recommended me to Lyons. Saw Lyons who told me he had a crew, but the ship was detained until 11th, and then the men were put on board by two and three, drugged, and insensible. On weighing anchor, only two men being able to reef and steer, I was obliged to run to Port Townsend. All the men ran away. I gave Lyons the usual shipping note; Capt. Wm. Lyons recalled.—Saw the mate sign a document produced; the receipt for the mate was sent to the chief mate, and subsequently returned to me signed. The captain saw all the men before they went on board. They were taken to the Custom House and stowed in their articles. They all went on board. John Livermore was on shore afterwards. Mr Walker addressed the Jury for the defence; Plaintiff alleged that defendant assumed the responsibility by the document produced. Lyons states that the agreement was made with Mr Stewart. Mr Stewart states positively that the second interview never took place. In weighing the evidence it must be remembered the description of house the plaintiff keeps, in which he himself states, he has the vilest scum in the world assembled, the evidence of such a witness cannot be above suspicion. In relation to the acceptance, it must be remembered that Robinson was empowered to sign a common advance note, but not a document of the character of the one before the Court, involving \$1670. It was unlikely there was any agreement of such a nature unless upon the condition that the men should be on board when the money was paid. It was not likely that Mr Stewart would enter into any agreement with a man like Lyons if he had no document to secure the completion of the contract. The evidence of Mr Robinson goes to show that another document existed, and the water-mark shows that the present document formed part of a much larger one originally. There could be no possibility of making it appear that either the Captain or Mr Robinson attempted or were parties to; say fraud; but Mr Lyons was decidedly committing a fraud as he had admitted bribed the Captain. The learned counsel reviewed the evidence at considerable length, in which he adverted strongly to the character of the men shipped; the manner of their being put on board; and the fact that the men could not answer to the names called out.

The Court here adjourned until Monday at 11 o'clock a. m. COLONIAL HOTEL ENLARGEMENT.—We are glad to observe that Driard of the old established Colonial has enlarged and refitted his hotel for the accommodation of the summer travel. The brick building known as Oldhouse is now included in the hotel. By this addition eight spacious rooms and two handsomely furnished parlours are added to the hotel.

Interesting from the Mainland.

Mr. G. Peatson, who left Barkerville on the 8th of March, reports about six feet of snow on Bald Mountain and about 18 inches on William Creek. Business quiet, stocks full. The winter had been open and many claims were worked throughout the season and yielded good pay. A project for the formation of a company of 100 members to prospect the Meadows, was on foot on William Creek. The projectors propose to locate 150 feet each and contemplate getting up a powerful steam engine for use in pumping out the water. No difficulty in getting down is anticipated. Seventy names were down when our informant left. On Canadian Creek in the Clear-Grit claim the tunnel was progressing favorably. The Davis company at Vanwinkle, on Lightning Creek, expected to start pumping and sinking on the 11th ult. Their machinery is among the best for the purpose ever erected in our mines. Good prospects were obtained some years ago in the Davis claim and if the machinery can master the water, the result will be "big." Colonial flour on William Creek was 18c. 3/4 lb for extra; best plentiful and good at 13c. 3/4 lb, per q., and from 16 to 20 cents retail. There was sleighing to within four miles of Quesnelmouth; below that point wagons are running through to Fort Yale. In the Green Timber there are five or six inches of snow; no snow at the Junction. The farmers at Williams Lake were ploughing on the 12th. It is feared by the farmers that water for irrigating purposes will be scarce this season. On the North side of Pavillion Mountain there were about 18 inches of snow; on the South side, there was not a particle of snow, and the farmers in the vicinity were at work ploughing at Lillooet. Indian trade was brisk, and a great many Indians were rooking along the river bank, taking out from 75 cents to \$5 per day to the hand. The whole tribe appeared to have turned goldminers. Flour here is 7c. per lb; beans, 5c. A part of the machinery of the Prince of Wales steamer had reached Seaton Lake en route for Quesnelmouth. The steamer Victoria will be ready to run by June. At Cache Creek and Bonaparte the farmers were engaged in ploughing. At Tranquille river, Fortuna & McIntosh have just completed their sawmill and flourmill, which were running satisfactorily. At Bonaparte, Cornwall Bros. were driving 400 head of splendid cattle to Hat Creek for grazing. From Cache Creek to Fort Yale, the roads are in excellent order. From Yale, Mr. Peatson proceeded to New Westminster in a canoe. The water fell two inches at Harrisonmouth four days ago. At this place, J. Donnelly has started an orchard. On the Simas ploughing had commenced by Miller & Co., who are going extensively into the dairy business. The farmers in the upper country are raising a great many hogs, and intend to supply the upper country with bacon and hams.

CONSECRATION OF A CEMETERY AT NEW WESTMINSTER.—Yesterday (Friday) the Bishop of Columbia consecrated a piece of ground near Sapperton Church for a burial place. It had been cleared, neatly fenced, and is to be laid out with walks and planted. At a future time it can be enlarged, a sufficient quantity of land having been included in the conveyance. The ceremony commenced by the usual morning service at 8 1/2 o'clock in St. Mary's, Sapperton, read by the Archbishop of Columbia, after which the Bishop preached upon the doctrine of the Resurrection. The whole congregation then proceeded to the ground, saying, alternately with the Bishop, the verses of the 49th Psalm. On arriving at the ground the Præfation was presented by Mr. Murray, Churchwarden of St. Mary's, and read by J. W. Armstrong, Esq., Churchwarden of Trinity. A hymn was then sung in procession around the ground; prayers were offered; the sentence of consecration read and signed, and the service concluded with the 100th Psalm and the blessing. The weather was fine, and much interest was shown by all those who were present on the occasion.

THE SAN JUAN BOUNDARY.—The San Juan Island Boundary Treaty refers the determination of the line of the Boundary to the President of the Swiss Confederation. All correspondence, documents, maps, surveys, etc., relating to the subject shall be placed at his disposal within twelve months after the ratification of the treaty. The reference is endeavor to induce the precise line of the boundary from the words of the treaty of 1843, but if unable to do so, is at liberty to determine upon some line which will, in his opinion, furnish an equitable solution of the difficulty, and be the nearest approximation that can be made to the accurate construction thereof. The Minister and public agents of either country, at Bern, are to conduct the respective cases, before the referee, who shall be requested to deliver his award as soon as convenient after the whole case has been laid before him, his decision to be final and conclusive, and carried into effect by Commissioners to be appointed to make the boundary.

DEPARTURES.—The steamship Geo. S. Wright and Gussie Telfair sailed yesterday morning for Portland, Oregon. Each vessel carried away a few passengers; The Wright had a cargo of salt.

AN IMPORTANT MOVEMENT.

Governor Seymour's term of office will expire in March or April of next year, and a large number of the friends of British Columbia in Great Britain have joined in a movement to have some gentleman of mercantile experience and extensive knowledge of the Colony appointed to the position which will then be vacant. We violate no confidence when we state that it is proposed that the salary of the next governor shall be much less—say one-half that now paid—and that other and needed reforms and economies will be introduced and carried out with the view of a return to partial Free Trade, should the prayer of the memorialists receive a favorable answer. This movement is a most important one. It is quite evident that Confederation, although inevitable, is somewhat remote, and while we are waiting for the "wheels of time to quickly fly and speed the welcome hour," an immediate and radical reform in our system of Government is imperatively demanded by the interests of all classes.

EARL ROSSELL'S LETTER ON IRELAND.—Earl Russell has published a third letter to His Majesty, Lord John Russell, on the state of Ireland. His lordship points out that it is now the duty, as well as the opportunity, of a liberal government to introduce large measures for the good of the sister kingdom, and defends Gladstone against the accusation of having started the Irish question from a desire to obtain office. The noble Earl advocates the disestablishment of the Irish Church and the partial endowment of the Free Protestant, Presbyterian, and Roman Catholic Churches. Earl Russell then urges the maintenance of the present system of national education; and in dealing with the land question expresses his conviction that the ecclesiastical property might well be devoted to the improvement of the soil.

ROYAL INSURANCE COMPANY ALMANAC.—Messrs. Sprout & Co. have placed on our table the Royal Insurance Company's almanac for 1869. The book is elegantly illustrated and contains besides the calendar blank pages for the entry of memoranda, obituary notices of Lord Brougham and Percy Mathew Dove, Esq. The last named gentleman was manager and actuary of the Royal Insurance Company for a period extending over nearly 24 years. The little book will be found both interesting and useful to the colonist.

AGRICULTURAL AND HORTICULTURAL SOCIETY.—We would direct the attention of our readers to the list of prizes to be offered at the forthcoming Agricultural and Horticultural Society's exhibition in September next. A perusal of the list ought to stimulate our island farmers and florists to increase their efforts, so that they may more successfully compete with the producers of the neighboring territory, who have been invited to take part in the exhibition.

A MAN was found by officer Cudlip wandering through Government street at 1 o'clock yesterday morning with nothing on but his shirt. He was arrested upon suspicion of being of unsound mind and locked up. At the sitting of the Police Magistrate yesterday he was remanded for medical examination.

THE steamer Enterprise returned from New Westminster last evening at 6 o'clock, bringing the Bishop of Columbia, Hon. Dr. Helmcken, Messrs. Good, Pooley, Spence and Pierson. The items of news from the Mainland will be found elsewhere.

NEWS A BID.—The brig Bysantium was again offered by auction yesterday, at the upset price—\$3750; but there was never a bid, notwithstanding a goodly number assembled on Sprat's Wharf.

AMONG the recent acquisitions of the Bates Troupe, now playing at Portland, is Mrs. McNamara, a lady who formerly resided at New Westminster in this Colony. The lady's stage-name is Miss Meredith.

HOLLOWAY'S OINTMENT AND PILLS.—Much watchfulness must be exercised in winter advances and the earliest evidences of ill health must be immediately checked and removed or a slight illness may result in a serious malady. Relaxed and sore throat, diphtheria, quincy, throat cough, chronic cough, bronchitis, and most other pulmonary affections will be relieved by rubbing this cooling Ointment into the skin as near as practicable to the seat of mischief. This treatment so simple and effective is admirably adapted for the removal of these diseases during infancy and youth. Old asthmatic invalids will derive marvellous relief from the use of Holloway's remedies, which have brought round many such sufferers, and re-established health after every other means had signally failed.

Everlasting Perfume!

MURRAY & LANMAN'S FLORIDA WATER has often been styled the "Everlasting Perfume" and is indeed true that its delightful and refreshing fragrance lingers for many days around whatever it touches—unlike the ordinary perfumes, that leave no trace of their momentary existence save the heavy odor of rancid oil. As there are worthless counterfeits of this delicious perfume buyers should always ask for the Florida Water prepared by Lanman & Kemp, New York.

Fever and Ague, Chills and Fever, And every other form of intermittent or remittent fever, are speedily controlled, relieved, and cured by the use of Bristol's Sugar-coated Pills and Bristol's Sarsaparilla. These two remedies act directly upon the stomach, liver, blood, and humors, and if patients will only follow the directions printed on the label and wrapper, a quick recovery to health will be their reward.

By Electric

SPECIAL TO THE DAILY

Eastern New York, March enco report on the Bill repeals the first original act. The the Senate bill section empowers the recess of Congress officer except Judges next session and to a cabinet, subject to creation, who shall enjoy the emolument serving. The President days after the Senate nominate to all vac they are temporarily effect of the Confere retain the provisions lig the Senate's conse but deprives the Sena to reinstate suspens House agreed to the —106 to 67; the De against it.

New York, March special says that included to dismiss of the Treasury Depart not know who are he not.

New York, April gations before the Cor velops the most mon Pacific Railroad ma President of the Unio forced to testify, adm struction contracts ha rates varying from \$4 per mile, prices no times the actual cost. It appears they are great exactness to stric as such, of every doll so that its property w under foreclosure of its bonds, leaving the U the lurch for its loan o 000 to \$50,000,000.

WASHINGTON, April man is ordered by the company his regimen Coast.

The public debt sta decrease of \$2,500,000 is \$2,251,964.61.

The total amount of the Pacific Railroads Chicago, April 1. tes-on Foreign Affair joint resolution declar of the Americans with their struggle for ind ploping their support dent whenever he dec to recognize their ind is expected the Spani present a remonstranc department against the the Cuban independe leave the country in ac tion of the resolution.

New York, April 2— despatch says correspo in progress for some prominent men in the E and leading men here, prospective annexati bers of Congress believ could be reached in proposals looking towa eventually would be tempt was made yeste duce a resolution in the ing, the committee on to enquire into the ex vestigating relations pr pective with New Scot tion was made that could not be received. The Times says no House has been overr Senate in the Tenare ness. Judge Davis a strue the new bill as hands of the Senate a upon all removals by th

CHICAGO, April 2.— special to-night says Territorial appointment in Cabinet meeting to-d to the Senate very so Ohio, for Registrar Territory; Dr. Scott, Secretary of Washington

WASHINGTON, April 2 ate Sherman introduced to the gold and silver, promote uniform curren finance. Referred to the finance.

In the House the bill a Northern Pacific Railro branch line from a point to Paget Sound, but not to any subside; is bonds capt such land as might the right-of-way, pass adoption of an amendm at least 25 miles of th be completed by July forty miles yearly the journa.

Ontario, April 3.—Som the tenure of office bill is and Bingham represented. ting up some feeling on the President will probably re