

The Weekly Colonist and Chronicle.

Tuesday, November 12, 1867

An Apology for the Absentee Attorney General.

Mr Alston publishes a letter in this issue of the COLONIST defending the Attorney General from the charges brought against him. As we suspected yesterday, a Council meeting at New Westminster is attributed to the failure of Mr Crease to appear at the late Assizes; but we are of opinion that the "important public business" was hardly of as much moment to the Colony as the due administration of the law; and as nothing but harm to the country has resulted from similar engagements, would it not be better for all concerned if the Attorney General were to eschew future Council meetings and devote strict attention to those duties which he is so well paid for not performing? The practice of employing deputies is a bad one. Deputies are expensive luxuries that (to be paradoxical) should only be indulged in when necessary. Mr Alston says "that Mr Crease was on the point of starting by the steamer to attend the Assizes, but was detained," &c. It is evident from this statement that Mr Crease had left everything till the last moment—that he was not prepared to proceed with any of the cases—and that we were right when we charged him with negligence, for had he arranged his business properly, Mr Alston would have known where to have placed his hands on the papers intended for the Court. Our correspondent further says that our statements "that two murderers and a swindler were turned loose upon the community to renew their crimes," and "that no subpoenas were served, no depositions copied, no writs issued," are "contrary to fact." But immediately after the denial he proceeds to state that "all the necessary subpoenas were served." How, then, Mr Alston, did it occur that although a medical witness "was in attendance at your request"—the sequel shows that you believed his attendance "necessary"—that he went away during the "confusion," and was not served with a subpoena until nearly twenty-four hours after the prisoner had been acquitted of the crime for the want of that very testimony. With the second case (Quital's) we have nothing to do. We made no charge concerning it. The third case, however, quite establishes our position. Here was an Indian who weeks ago killed another at Nanaimo, awaiting his trial. The depositions were sent to New Westminster, where they were detained in the hands of the Attorney General until after the Assizes were over. Why were they detained? Mr Alston says, in consequence of "bad weather, which postponed the arrival of the steamer." But how does it happen that Mr Crease's letter delegating his authority to our correspondent did not lay over from the same cause? How could one document come on without the other if ordinary care had been observed by the Attorney General? The explanation is simply absurd, and the conviction is irresistible: Like the subpoena that ought to have been served on the medical witness, the depositions were forgotten until too late to be of any service. Then there was the case of a swindler—which Mr Alston singularly avoids. Why did not the prosecution send its own witnesses notice to produce the check? Why suffer them to come into Court unprepared with the written evidence of the man's guilt? The check was forgotten, too, and the criminal escaped. Here then, we have three (Mr Alston says there were four) distinct instances of the failure of justice through the ignorance, carelessness or moral cowardice of the Attorney General, who, whether he shirked his duty or merely neglected it, is not the less deserving of censure. Then there was the same official's egregious blunder in appointing Mr Alston to a position that a local statute says distinctly he shall not occupy. Mr Alston thinks that the blunder was justified by precedent—he having been "allowed during the whole year to practice in Court without objection being made." Surely, our cor-

respondent is too erudite a lawyer to require to be told that it is not within the province of the Judge to raise the objection. The objection must come from another—the question must be "brought to the notice" of the Court. The moment it was properly brought the precedent was established—Mr Alston was ruled out of Court. The Judge had no choice in the matter. Mr Alston, in concluding, says that the Attorney General is free from blame, and that he "writes in order that the public may be rightly informed." If Mr Crease is not to blame, who is the delinquent? Is it Mr Alston? We answer, no; yet Mr Alston, with a meritorious display of self-abnegation, endeavors to shift the responsibility from the shoulders of Mr Crease to his own. The responsibility of the Attorney General, however, cannot be condoned by any such Damon and Pythias attempt on the part of a disinterested friend. Mr Crease should have come to Victoria before the last steamer left New Westminster, arranged the cases for the Crown, and then, if he was called away, or if he feared to face the Chief Justice, there could have been no failure of justice,—at least, not from the causes we have described. On the whole, we think that Mr Alston's letter will rather injure than benefit his distinguished client's cause.

Saturday Nov. 9th
Municipal Council.

THURSDAY, Nov. 7th, 1867.
The Council met at 7:30 p. m., adjourned and resumed sitting at 10 p. m. There were present the Mayor and Councillors Gowen, Lewis, Trahey, Gibb, and Hebbard.
A communication was read from the two auditors of the Corporation accounts. Received and the sum of ten dollars to each was voted as an additional amount.
A report of the Sanitary Committee was handed in, detailing particulars of the work executed during the Municipal year. Adopted.
Report of the Street and Sidewalk Committee was presented particularising the work done during the Municipal year. Adopted.
Councillor Gowen, reported progress on the contract for the improvement of Menzies and Quebec streets, and suggested that the sum of one hundred dollars be paid on account of same. Agreed to.
Committee appointed to confer in respect of the settlement of the Titus claim, reported the absence of the interested party from town.
The sum of one hundred dollars was paid to W. S. Green on account of costs in the suit of Titus vs. the Corporation.
Six dollars were voted for filling up a cavity on Courtney street.
The poll books were presented and the amended voting list passed; a copy to be handed to each returning officer.
The annual financial statement was reported incomplete and was deferred, but would be deemed satisfactory when presented.
ADDRESS TO THE MAYOR.
The following address was presented to His Worship, and ordered to be spread on the Minutes of Council:
VICTORIA, V. I., B. C., Nov. 7, 1867.
To the Hon. William J. Macdonald, Mayor of the City of Victoria.
We the Councillors of the City of Victoria at this the closing meeting of the Municipal year, desire to express our satisfaction at the courteous manner in which you have presided over and conducted the business and deliberations of the Council during your Mayoralty, and for your prompt assistance afforded at all meetings of the Council, and the results of which we feel have materially contributed to the general Municipal welfare of the City.
And now on taking leave of you, we sincerely hope that should you again have the honor of being re-elected to the Civic Chair, the same kind feeling and unity of action may characterize the proceedings of the incoming Council, as have been exemplified during the Municipal year now drawing to a close.
And in conclusion, permit us, while glancing at the results of the past, to express the hope that the future may be equally satisfactory.
With best wishes for your health and prosperity.
We remain, dear sir,
Yours faithfully,
CHAS. GOWEN,
RICH. LEWIS,
J. W. TRAHAY,
M. W. GIBB,
W. HEBBARD.

REPLY.
GENTLEMEN AND MEMBERS OF THE MUNICIPAL COUNCIL.—I return you my sincere thanks for your expression of satisfaction at my conduct, and I am happy to be able to congratulate you on the close of this Municipal year at the general result of our united efforts. The large debt standing against the city this time last year has absorbed the most part of the revenue and prevented you from carrying out as many improvements as the public might expect, yet some work has been done of a useful character, and I think upon the whole that the citizens are satisfied. The people living in the outskirts of the city may have some cause of complaint, owing to none of the Municipal funds being expended in their respective localities; but for some time to come the principal thoroughfares will require a large share of the revenue, and the improvements outside the business part of the city must, as a matter of necessity, be gradual and limited. Your successors in office will have comparatively easy work, although under the Act of 1867, the sources of revenue and the mode of raising the same are different in some respects from what they are at present, yet the machinery will be nearly the same, and I trust that they will at

all times conduct the public business in an impartial manner, and with as much credit to themselves as you have done, and that they will always exercise prudence and moderation. I have to thank you for the support you have given me at all times as your presiding officer. My duties have been rendered comparatively light by the efficient manner in which you have performed yours. Should I be re-elected to the Civic Chair, my aim will be, as it has been hitherto, to do all in my power to foster and promote the interests of the city, and conduct the business of the Council in an impartial and creditable manner. I now take leave of you, with feelings of esteem and respect, and wish you one and all every success and happiness in your different callings.

W. J. MACDONALD, Mayor.
The Council adjourned sine die.

THE CIVIC ELECTIONS.—The interest manifested in the nomination of civic officers yesterday was very great. A large crowd assembled at the Barracks. At 12 o'clock High Sheriff Elliott asked if any elector wished to propose a proper person for Mayor? Mr D. B. King, seconded by Councillor Gowen, nominated Dr Trimble, with Mr W. K. Bull, seconded by Mr Robert Burnaby, nominated Mr Macdonald for re-election. Dr Trimble then briefly addressed the electors, and was followed by the Mayor, who sketched his official career, and explained to the electors certain of his acts while in the Legislative Council. A show of hands was taken, and Dr Trimble declared to have the majority. A poll was demanded for Mr Macdonald. The nomination for Councillors then took place. For Yates street Ward, Councillor Lewis and T. Smith Allat, and for James' Bay Ward, M. W. Gibbs and H. F. Heisterman were elected by acclamation. Councillors Trahey and Gowen having declined a re-election. For Johnson street Ward, Councillor Hebbard, — Crump, Thos. Chadwick and Joseph Jeffries were nominated and a poll demanded. The voting will take place between the hours of 8 and 4 o'clock to-day.

BENEFIT OF THE ROYAL HOSPITAL.—No institution appeals more directly to the public for substantial aid than the Royal Hospital. Filled with the sick and dying of every nation and creed, it ranks as one of the noblest and most beneficent establishments on the Continent. The man who to-day walks our streets in the full possession of health and strength, knows not but to-morrow may find him stretched upon a bed of suffering within the very walls of the institution he is now called on to assist. Disarding every other consideration, self-interest demands of every citizen that this noble charity should not be allowed to languish and perhaps to die out altogether for want of aid towards which it is in the power of all to contribute their "mite." We trust that the theatre will be filled to-night, and that the worthy efforts of the men of the Squadron, seconded by their officers, will be entirely successful. The box-office will be open to-day from 11 till 3 o'clock; secured seats, 25 cents extra.

NUMBER OF JEWS IN THE WORLD.—According to recent statistics the total number of Jews in the world is 7,000,000, 3,500,000 of whom reside in Europe. In Russia the Jewish population is 1,220,000; in Austria 853,000; in Prussia, 284,000; and in Germany, 192,000. At Frankfurt-on-the-Maine every sixteenth inhabitant is a Jew, and in the whole of Prussia every seventy-third. There are fewer Jews in Saxony than in any other part of Germany. In Sweden and Norway the population of Jews to the rest of the inhabitants is about one to 6,000. It is remarkable that in such countries as France, England and Belgium, where the Jews are under no disabilities, they are less numerous than in countries where they have not yet been placed on an equality with the members of other creeds.

THE QUESTION OF JUDICIAL INTEREST.—We understand the Chief Justice has intimated, in reference to the objection raised in the matter of C. W. Wallace, on account of his (the Chief Justice) having an interest in the Vancouver Coal Company, that any honorable intentions on his part that his brother should not lose by the assignment of shares in that Company, is not such an interest as would legally preclude him from trying the case; but on a point of delicacy, should any one feel a prejudice, the parties objecting might apply to the Governor to appoint a commissioner to try the case, with the consent of all parties, but without reference to the jurisdiction of the Court of Vancouver Island.

ABOLITION OF CHALKING UP.—Beer-sellers from the 1st of October next, will not be able to recover in the County Court the amount of anything they may have "chalked up" against their customers. The County Courts Amendment Act, which will come into force on the date named, provides "that no action shall hereafter be brought or be maintained in any court to recover any debt or sum of money alleged to be due in respect to the sale of any ale, porter, beer, cider or perry, which after the commencement of this Act was consumed on the premises where sold or supplied, or of any security given for, in or towards the obtaining of any such ale, porter, beer, cider or perry."—*English Paper.*

DEATH OF REAR-ADMIRAL HOPE.—The Army and Navy Gazette of Sept 7th says:—"A very unexpected vacancy has occurred on the Active Flag List. Rear Admiral Thomas Hope, the junior admiral, and who only obtained his promotion in the month of May last, expired last Saturday at the comparatively early age of 57. Octogenarians have been spared and still figure as 'active,' while the strong man of middle life has been snatched away."

THE CHARGE OF ARSON.—Mr Bishop appeared yesterday to defend Charles Solomon, who was arrested on a charge of arson. Sergt. Bowden testified to seeing the accused near the spot a short time before the fire was discovered, and the prisoner was again remanded until to-day. Bail was accepted in the sum of \$2000.

THE ENTERPRISE sailed yesterday morning with passengers, the mails and freight for New Westminster.

The health of Mr Charles Kean has of late greatly improved, and he may be able soon to give readings, though it is doubtful whether the healthful breezes of the Cornish and Dorsetshire coasts will so far renew his strength as to enable him to reappear on the stage.

WITHDRAWN.—Mr Thomas Chadwick, nominated for Councillor of Johnson street Ward, requests us to say that he declines the honor. We are sorry for this determination. Mr Chadwick would have made a good and faithful civic officer.

UNCERTAIN.—It is uncertain when the California will sail. She received some injury in the gale off Columbia River bar and will have to undergo repairs. Perhaps Tuesday next will see her on the downward trip.

THE OVERLAND WAGON ROAD.—Mr Waddington sailed from San Francisco for the East on the 29th October. The San Francisco Bulletin makes kindly mention of the old gentleman and his scheme.

THE THREE GREAT PROFESSIONS.—In England the number of persons belonging to each of the professions is nearly the same. There are 34,370 lawyers, 85,483 clergymen and 85,995 physicians.

THE MAYORALTY.—We sincerely hope that Mr Macdonald will be re-elected Mayor to-day. He has made an honest and efficient officer, has worked hard for the interests of the citizens and deserves well at their hands.

JOHNSON STREET WARD.—The electors cannot do better than re-elect Mr Hebbard, who has served them in the last Council faithfully; and Father Jeffrey, who did the Ward some service in days gone by.

GOVERNOR KENNEDY.—Authentic information, received by private letter states that Governor Kennedy will go to Queensland, vice Sir Geo. E. Bowen, who succeeds Sir George Grey as Governor of New Zealand.

THE ESCAPE.—Some further evidence was taken in the case of the men accused of assisting Maurice Carey to escape, and the prisoners were remanded for three days.

THE H. B. CO.'S steamer Otter goes North on Wednesday. She will call at Nanaimo, Comox and Queen Charlotte Island.

AT SAN FRANCISCO.—The Pixley Sisters, Mr Ward and the Bianchi Opera Troupe.

The Fideliter reached Portland on the 5th inst.

Re Absentee Attorney General.

VICTORIA, Nov. 8.
EDITOR BRITISH COLONIST:—Much as I would desire to abstain from the notice of newspaper criticism, I am compelled, in justice to an absent person, to ask for the insertion of the following remarks upon an article in your paper which appeared this morning, headed "An Absentee Attorney General." But before I proceed to notice the article, I may inform you that in the letter of authority given to me the Attorney General states that he was on the point of starting by the steamer to attend the Assizes but was detained on important Government business. This was mentioned in Court, and the letter handed up to the Chief Justice. The article states that Mr Crease ought to have known that I was prevented from attending, and that "the consequence was a failure of justice in at least three cases. Two murderers and a swindler are turned loose upon the community to renew their crimes as occasion may offer. In these cases no subpoenas had been served, no depositions copied, no writs issued." Now, I assert, that these statements so made are directly contrary to the fact.

In the first place, Mr Crease knew that I had been allowed on many occasions, and during the whole of this year, to practice in Court without any objection being made, or any hint from the Judge, who is at least as well acquainted with the law as the Attorney General. The restraint, therefore, if there exists one, had become obsolete. Secondly, with regard to the three cases mentioned, and which were severely commented upon by the Court, I assert that in all the necessary subpoenas were served and depositions were copied. What writs could have been issued I cannot imagine, nor can the writer of the article probably inform me.

In the first case (that of Shook, an Indian) the medical witness was in attendance at my request to prove the nature of the wound, but in the confusion which ensued on the objection being made to my appearance he withdrew, supposing, I imagine, that his presence was not of great moment. By no possibility could the Indian have been convicted of the charge of murder, if all the medical gentlemen in town had given evidence of the wound, and the testimony obtainable was utterly inconclusive. But if I had not been interfered with, the medical testimony, such as it was, would have been forthcoming.

In the second case (that of Quital, another Indian) it was stated in Court that a failure of justice had occurred, because no post mortem examination had taken place. Now the death took place more than a year before the depositions were sent to the Attorney General. To blame that gentleman, therefore, for not directing an examination to be had, is simply unjust and ridiculous.

In the third case, the depositions were sent from Nanaimo to New Westminster and would have arrived here in time if the bad weather had not postponed the arrival of the steamer till the Assizes were over. I may mention that depositions are not admissible for the prosecution of a case at all, and that I was prepared to draw an indictment, as the witnesses were in attendance. The case was brought before the notice of the Court before the Grand Jury were discharged, but I was prevented from further appearing in the matter.

I maintain, therefore, that the Attorney General is free from blame in this matter, and I thus write in order simply that the public may be rightly informed.

E. GRAHAM ALSTON.

If you wish the very best CABINET PHOTOGRAPHS, you must call on BRADLEY & RULOFSON, 429 Montgomery street, San Francisco.

Dominion of Canada.

QUEBEC.

In view of the early meeting of the first Parliament in this dominion, the City Council Board decided to take active measures to procure an early meeting of the International Board of Trade in Montreal, composed of the delegates from all the provinces, to consider the following important question: The tariff rate, intercolonial railway, uniform currency, the silver question, the reduction of postage, the shipping and navigation regulations, international and maritime law, &c.

The shipbuilders held a meeting yesterday to consider the best means of protecting themselves against the unreasonable associations. The carpenters and caulkers resolved not to enter into any contract or employ any member of an association at new work from this date.

It is not easy to name the future leader of the opposition of Ontario. None of the elected men are very fit to succeed Mr. Brown, who, by the way, is going to Scotland, if he has not already gone; but report says he wishes Mr. Edward Blake to succeed him, who is member for one of the ridings of Durham. One would, however, think that Mr. Alex. McKeenzie would be the man; for he is experienced, a steadfast reformer, and a friend of Mr. Brown.

A volunteer rifleman in Canada recently fired 120 shots at a target at distances of 500 to 1000 yards, and missed but five times, although no sighting shots were fired. He would be a dangerous man for the Fenians.

A fire broke out on Saturday night in Alderman Kirkham's stables, and before the progress of the flames could be arrested six buildings were destroyed. The loss by the fire is very heavy.

ONTARIO.

KINGSTON, Sept. 26th, 1867.—The weather continues favorable for the exhibition and the city is crowded with visitors, including more than the usual number of Americans. The Canada Company's prize for fall wheat was awarded to T. Cullis, of Northumberland; the wheat weighed over sixty-three pounds. The show of grain is altogether inferior. The stock and other departments are equal to previous years.

KINGSTON, Sept. 25th.—The Provincial Fair at this place is attended by many thousands of people. There are no American entries of any importance. The show of live stock is very fine, but the machinery is inferior.

OTTAWA, Sept. 28th.—All the members except Messrs. Campbell, Mitchell and Archibald, were present at the meeting of the Executive Council yesterday.

The day of meeting for the Parliament of Canada has been decided upon and referred to the Governor General for his sanction.

Hon. McDougall, in a speech at a concert last night, said he had received a communication from a politician in Newfoundland, stating that the Parliament about to assemble there would pass resolutions asking admission into the Confederation. Also, that at the session soon to be held at Ottawa resolutions would be passed, and sanctioned by the Imperial government, admitting the Hudson Bay Territory.

The Garrison of the capital is to be strengthened, and the City Council have offered \$2000 toward barracks accommodation if the command of the forces will station a battalion in Ottawa for three years.

The first battalion Sixtieth rifles is coming out here from Malta.

OTTAWA, Sept. 24.—Parliament has again been prorogued to the 2nd of November. Only two constituencies now—Gaspé and Chicoutimi—have not elected their representatives. The result of the election is as follows:

	Ministerial.	Opposition
Nova Scotia returns.....	1	10
New Brunswick returns.....	10	4
Quebec returns.....	50	15
Ontario returns.....	47	35
Total.....	108	73
Ministerial majority.....	35	

A majority of thirty-five votes in the House of Commons is enough to work with.

South America.

PERU.

Dates from Lima and Callao are to the 28th of September.

It is said that the clergy, people and troops in and around Arequipa have fraternized with the revolutionary forces, and made common cause against the government. The following telegram was received in Islay on the 23d ultimo: "The revolution has triumphed! Col. Times is killed. Causaco and Aliviari are in command of the patriots. No disorder."

The port of Islay has been declared by the Government to be closed until the restoration of tranquility. Many arrests have already been made in Lima of persons suspected of being in communication with the leaders of the "new revolution."

CHILE.

Owing to the approximation of the great National Festival—the "18th of September"—the anniversary of Chilean independence from the yoke of Spain, trade in Valparaiso was at a stand-still. The preparations for a due observance of the great day were this year on a grand scale. Private firms vied with the authorities in their efforts to do honor to the national holiday.

George Petrie, the general agent of the Pacific Steam Navigation Company, had arrived at Valparaiso from Callao, and immediately proceeded to Santiago to confer with the Government for the purpose of adjusting a contract for the establishment of a new line of steamers between Chile and Europe; touching at Rio de Janeiro, St. Vincent and a French port (not named) via the Straits of Magellan.

Declination.

Nov. 8, 1867.

EDITOR BRITISH COLONIST:—Will you kindly allow me, through the medium of your valuable journal, to state that I was nominated to-day as a Councillor for Johnson street Ward, without my consent; having always been opposed to so small a community being incorporated, I could not consistently accept the position if elected.

THOMAS CHADWICK.