

## The Weekly British Colonist.

Tuesday, December 12, 1865.

## CONSTITUTIONAL CHANGES.

Some time ago we published an account of a collision between the Lower and Upper Houses of Legislature in the Australian colony of Victoria. The Assembly saw the necessity of a certain tariff, introduced the measure and forwarded it to the Council. The members of the Upper House, however, threw out the bill, and the popular chamber, taking umbrage at the action, tacked the tariff measure on to the bill of supply, in the hope that the Upper House would, rather than bring Government to a standstill, pass the obnoxious bill. The Assembly was disappointed. The Upper House threw out the supplies, and the Executive was left without any funds. The occasion has given the English press an infinitude of room to comment on colonial constitutions, and show their inefficiency. In the colony of Victoria the Upper as well as the Lower House is elective; but while the latter is of triennial duration the former continues for ten years. There is even a further divergence from the Imperial system, for unlike the House of Lords the number of members in the Upper House cannot be increased; so that when there is a collision between the two branches of Legislature there is no safety-valve, and either a violent explosion or a total collapse is the result. In our present unsettled condition, when a new constitution for both colonies is, in all probability, claiming the attention of the Imperial Government, it may not be out of place to glance at our present as well as prospective relations with the Governor and the Upper House.

The history of the last session shows us what a serious stumbling-block in a country's advancement is an irresponsible branch of government. A whole year's labor has been lost, and the representatives of the people are now engaged in the Sisyphean task of again rolling the stone up the mountain—again endeavoring to build up the edifice which the Council had so wantonly and almost malignantly destroyed. It would be difficult at this state of affairs to say what our progress in useful legislation shall be the present session; but we think we are safe in hazarding the conjecture that the people will insist on their voice being heard—no matter what may be the result. It is possible there may be collisions with the Upper House, but if there be, it will be the Council's own fault, and, in pure self-defence, we must push the Council to the wall. Everything must now give way to public exigencies. The monstrosity of a few well-paid public servants thwarting the will of the masters who pay them has been borne long enough; the absurd odiousness must cease. What the people of Vancouver Island, through their representatives, demand, as essential to the well-being of the country, they must have. There can be no compromise—no half measures. There is a majority in the Assembly backed up by the people outside, who are determined that no further time shall be lost in placing on the statute book those measures for which the country has so long and so continuously yearned. If His Excellency should be so ill advised as to aid the Council in any factious opposition to the Assembly—or if the Upper House should, on its own responsibility, play the same game which destroyed the labors of the Lower House last session, we must only extract the fangs of our destroyers. We hope, however, no such collision may occur. If Governor Kennedy is a wise man it will not occur. If those sentiments of popular rights which found in him so warm an expounder when he first came to the colony, are not mere clap-net things to please the public ear, but earnest expressions of a sincere worker for the public good, we shall have no discord between our branches of Legislature. The present is certainly no time to play at cross purposes, and no time to tamper with public patience. Good legislation—popular legislation is required; and we hope that the "well-understood wishes of the people"—that backbone and much abused term—will be carried out.

It has been suggested as a remedy for our constitutional difficulties, that both the Upper and Lower House should be made one; and while union was necessarily farther from us than it is now we advocated the measure. But, in the words of Abraham Lincoln, "it is a bad time to swap horses when you are crossing a stream." In our present "expectant" condition it would, we think, be highly injudicious to make any change in our constitution. If the proper steps are taken we shall have, before the lapse of many months, a united constitution from the hands of the Imperial authorities; instead, therefore, of spending time over temporary affairs like the scheme suggested, the people of both colonies should be devising means to lay before the Home Government their ideas on the proposed change. In a few months the British Parliament will meet, and if we as well as the inhabitants of the neighboring colony want to secure ourselves against some hybrid arrangement, that will give the Governor in Council the virtual control, we had better be up and doing, and not waste valuable exertions on temporary makeshifts.

Wednesday, Dec. 6.

Such interest was felt in the result of the trial for arson. The jury, previous night, being the verdict, and no real them. A little before in summoned by His Excellency, who regretted they could not get over the evidence to a very careful manner, all the important points from them. The session to make a statement to a part of the evidence allowed him to do, the time to make a speech, and out to the jury very the prisoner had been by his counsel and attorney (Bishop) yet they had to prove an alibi; that accounted for his time it going way to disprove the jury. After reading the His Lordship said—I the matter and to dis. It is the work of an ant to know who did it I pray you, gentlemen, our calm, impassionate jury were then again soner said he had severe to prove where he was fire but Mr. Ring had call them as there was His Lordship said that; his counsel had made and at any future time, he could hear that evil think that it was necessary mind with it now. Inspired that one of the unwell and Dr. Dickson and him; a medical certificate handed into the court, ship sent for the jury men, are you all agreed (Phillips)—No, my lord, please show for it. The get to hear it, I deeply the interest of the com- of justice to the prisoner er, I do not wish to push and as I have received a an eminent medical possibility of perhaps I have no other alter- charge you. The accused in the custody of the ad for another trial.

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## LEGISLATIVE COUNCIL.

FRIDAY, Dec. 8.

The Council met at 3:15 p.m. Present—The Hon. Chief Justice (presiding), Hon. Col. Secretary, Attorney General, Treasurer, H. Rhodes.

## IMPRISONMENT FOR DEBT.

On reading the minutes the Chief Justice desired the portion to be struck out recording his negative vote against the second reading of this bill. He had not voted not intended to vote on the subject, and had only offered his conscientious advice on the measure. He did not wish to oppose what was considered necessary and advisable by the majority of the people, and should feel content if such a law was thought advisable.

## RECOVERY OF SMALL DEBTS.

The Hon. Attorney General introduced a bill to facilitate the recovery of small debts which passed the first reading. The mover said a bill for a similar purpose had been introduced into the Legislature last session to which sweeping amendments were made by the Council, instead of 263 sections they had substituted for section II, the bill he now held in his hand. This bill was little more than a reproduction of the Council's previous amendments with slight alterations, and sought to give courts in other districts than Victoria power to adjudicate on small debts. In many of its provisions it was a copy of the County Court Act of England. The Judge or Judges of the Supreme Court might sit in other districts separately or concurrently with the magistrate. The bill had been found to work very beneficially in British Columbia, and often saved the necessity for appeal. It had been drawn from practical experience of its usefulness and desirability, and he hoped to see it become law.

## POSTAL BILL.

The Hon. Attorney General obtained leave to postpone the introduction of a bill to establish a postal service.

## IMPRISONMENT FOR DEBT.

The consideration of this bill in Committee of the Whole was taken up.

The Hon. Chief Justice remarked that as the principle of the bill had been already established, the next thing to be done was to make it as complete as possible. He was prepared to enlarge upon the measure, and since it was proposed to abolish arrest for debt on final process, the House ought to abolish *mesne* process as well. His Lordship explained the difference between the two writs.

The Colonial Secretary observed that persons had been arrested and thrown into jail without any intended flight or judgment obtained.

The Chief Justice said that was not legal, and his guarantee might be taken for that. He explained the necessary process, what facts were required on oath before writs of arrest could issue, and what were the consequences of false affirmations.

The Attorney General and others remarked that it was far from the wish of commercial men to dispense with the writ of *ne exeat regno* in cases of intended flight from creditors or for fraud.

The Chief Justice said in that case care must be taken that they enacted nothing which might conflict therewith. The Council should, however, bear in mind that a bill abolishing *mesne* process was passing through the Lower House.

The Colonial Secretary again instanced cases of the hardship of the existing law, and said he should desire to see the judge clothed with greater powers as to demanding security or otherwise, as would be the means of preventing vexatious and trifling arrests.

The Chief Justice said he did not see that any improvement could be made in that respect.

After some further discussion the Council went into committee on the bill, the Hon. Treasurer in the chair, and after sundry amendments had been made, reported progress and adjourned.

## ARRIVAL FROM THE NORTH.—The sloop

Ringleader, Captain Harper, returned on Saturday last from a cruise North, whither she had been despatched, by a private party of gentlemen, upon an exploring expedition. The result of the labors of the party sent we have not been able to ascertain. From Mr. A. Hood, chemist, of this town, who went up in the Ringleader, we learn that the Indians are all quiet up the coast. H.M.S. Clio was weatherbound at Port Rupert for two or three days, during which time she lay with two anchors down and steam up. Capt. Chambers, the pilot, went ashore on the arrival of the Clio at Port Rupert, and was unable to return to the vessel owing to the roughness of the weather. He was detained two days. The weather moderated, and the Clio left for Metlakatla on Sunday, the 19th. The Clio reported a sloop on shore between Comox and Port Rupert, but the Ringleader could see nothing of it. Indians reported the discovery by one Phillips, a trader, of gold bearing quartz at Bella Ooola. Phillips, the Indians said, had gone to Victoria. There was nothing doing at the Koskeemo coal mine. A seam of coal, some twenty inches thick, was being worked near Port Rupert. The Indians at Comox attributed the cause of all the disturbances, and the visit of H.M. ships, to the Nanaimo priest. The Ringleader experienced stormy weather and incessant rain up north.—*Nanaimo Gazette*.

DOUBLE ACCIDENT.—Wednesday night being very dark, an Indian stumbled over the edge of the Front street plank roadway at its junction with Douglas street, falling upon a low plank which formed the ebb tide landing at the old Government wharf, and receiving such injuries as resulted in death shortly after. Not long after the Indian met with the fatal accident, Mr. Smith Burr, a ship carpenter, was passing along with another person and fell at the same place, also receiving serious injuries from which, however, we are happy to learn that he is recovering. It appears that Mr. Davis, photographer, fell in the same place a few weeks ago, sustaining slight injury about the face and head. The Municipal Board of Works, very properly had a band rail put up at the fatal spot on Thursday.—*Columbian*.

## TELEGRAPHIC.

NEW YORK, Nov. 28.—The citizens of New York have nearly completed arrangements to pay off the mortgage of \$30,000 on the house purchased by Gen. Grant, in Washington.

RALEIGH, N. C., Nov. 28.—Thomas Little, a staunch Union man, was elected Speaker of the State Senate to-day. Both houses organized, and adjourned till to-morrow. Gov. Holden is improving, and is able to sit up in his room.

NEW YORK, Nov. 28.—The *Commercial's* special says there is good reason for believing that Sec. McCullough recommends the steady funding of the debt, with the regular withdrawal of greenbacks, which must cause a contraction of National Bank circulation.

The Internal Revenue report was completed yesterday and will be published at once.

The report is revived that the civil trial of Jeff. Davis is at hand.

RICHMOND, Nov. 27.—Gen. Grant frankly expresses his opinion in regard to Mexican affairs. He says emphatically that the advent of Maximilian to the pretended throne of Mexico was a part of the rebellion, and his expulsion shall be a part of it. France did not ask our consent to his establishment on the throne, and we should not consult that power in the establishment of a republic. And if France should choose to interfere in this question; if she chose to involve herself in a war with the United States; this is the time, while our army is yet organized.

The *Tribune's* special dispatch contains information to the effect that the relations of our Government with France are entirely satisfactory. There is no probability of a serious disturbance. Napoleon's speculations on Maximilian is very unpopular with the French, and he will withdraw as far as he can without compromising his dignity.

NEW YORK, Nov. 28.—The Custom House authorities have ceased the search after the body of Preston King, a thorough search having been made at all places where it was supposed he might be found.

WASHINGTON, Nov. 28.—About 28 members of Congress are at present here. The President is still engaged on his annual message.

NEW YORK, Nov. 30.—Robert Toombs has escaped from the Tortugas, and sailed for Europe. It is asserted that Gen. Butler has prepared a statement showing how Davis can be tried by a military tribunal.

LONDON, Nov. 18.—We have the authority of Consul Daly, for stating that the Shenandoah will sail for New York on the 21st.

COPENHAGEN, DENMARK, Nov. 12.—The King of Denmark has given Messrs. Jackild and Coopers a concession for laying a telegraph between England and Norway and North America.

TORONTO, Nov. 30.—The Fenians are quiet, excepting an occasional demonstration with rockets and fire-arms. Toronto papers say, the number of Fenians enrolled and now drilling in Canada is stated to be nearly 8,250, about one-half of whom are ready armed.

WASHINGTON, Nov. 30.—Official news is received to the effect that not only the State of Chihuahua, but that of Sinaloa also, is being evacuated by the French.

SAN FRANCISCO, DEC. 8.—Sailed—Ship Progress, Port Angeles; bark Lucy Ann, Puget Sound; ship Southern Cross, Puget Sound.

FROM NANAIMO.—We are in receipt of the *Gazette* of the 4th inst. The Lottie Maria completed her lading on Monday, taking about 1600 tons of coal to San Francisco. The Florida was the only large vessel to load. She would take about 750 tons. A census was being taken for the district of Nanaimo. A large increase on the population of 1862 was anticipated. The *Gazette*, alluding to the expected resignation of Mr. Bayley as member for the town and district says:—

We hope he will do so at once and allow the electors an opportunity of sending some other gentleman to represent them ere the important measures about to be brought up in the House are decided. Nanaimo wants to have "a say" on the Crown Lands question, and upon all the bills that the Attorney General has been caused to prepare. We shall see if the official complexity, characteristic of other bills the Attorney General assisted to prune and mutilate, pervades the productions he is now caused to prepare, most of which were well framed by hon. members last session. In another place it cautions the electors against throwing themselves into the arms of any "ignorant adventurer in political science." The Black Diamond passed the steamer Diana in the rapids on Tuesday evening.

COMMERCIAL INTELLIGENCE.—A prospectus has been signed in London of a Joint Stock Company, to be called the Merchant Company, with a capital of £500,000 (half to be first subscribed), to take over the business of Lane, Hankey & Co., the amount to be paid for the good-will being fixed at £62,500.

NEWSPAPER AT BIG BEND.—We understand that a journal to be styled *The Big Bend Independent*, is to be started early next spring at these diggings, which will be independent in politics and devoted to the general interests of the country. Success to the spirited promoters of the enterprise.

## CONSECRATION OF CHRIST CHURCH.

The ceremony of consecrating this Cathedral Church was performed Thursday afternoon by the Right Rev. the Bishop of Columbia, assisted by clergy of the diocese and the fleet.

At half-past two o'clock Bishop Hills, accompanied by the Venerable Archdeacon Gilson, M.A., the Acting Registrar, Sebright Green, Esq., and the Bishop's Agent, J. J. Cochran, Esq., arrived at the church door, where he was received by Churchwardens, A. F. Pemberton, Esq., and J. G. Shepherd, Esq. Shortly afterwards his Lordship, in full canonicals and attended by Archdeacon Gilson, Rev. E. Cridge, B.A., Rev. T. C. Woods, M.A., Rev. A. C. Garrett, B.A., Rev. W. Reece, B.A., Rev. F. Nichol, R.N., and Rev. Mr. Gribbel, entered the porch from the Vestry, where a petition from the promoters and subscribers of the church enlargement, praying that the edifice be consecrated, was presented by B. W. Pearce, Esq., Surveyor General, which the Bishop handed to the Registrar, who read the same aloud, and His Lordship having declared his readiness to accede to the prayer of the petition commenced the service by repeating the 24th Psalm while proceeding to the Communion Table: The deeds of Conveyance and Endowment were here presented to the Bishop by the Commissary, the Ven. Archdeacon, and were formally accepted and deposited by the Bishop on the table. His Lordship, turning to the audience, then read the prescribed dedicatory prayer, and the Sentence of Consecration having been read by the Commissary was signed by the Bishop and ordered to be registered together with the Petition and Deeds. The usual Church Service was then read by the Clergy of the Diocese, during which the Choir sang Whitfield Clarke's beautiful *Magnificat* and the superb anthem from the 180th Psalm, "I will give thanks unto thee O Lord among the people," taken from Mozart's *Gloria* (12th Mass) both difficult pieces of choral music, and executed by the Organist and Choir with the most creditable precision and effect. After the conclusion of the formula The Ven. Archdeacon mounted the pulpit and preached from I Kings, 9 chap. 3 v. "And the Lord said unto him—I have heard thy prayer and thy supplication that thou hast made before me. I have hallowed this house which thou hast built, to put my name there for ever; and mine eyes and mine heart shall be there perpetually."

The Reverend gentleman gave an eloquent discourse and treated his subject in an able and masterly manner. His ideas were succinctly expressed, his language choice and appropriate, and his delivery easy, lacking only what nature has denied him, physical power. A collection was taken up after the sermon, and although the congregation was hardly so large as might have been expected on such an occasion; about \$50 we understand was contributed on behalf of the Enlargement fund. The Holy Communion was administered to those who remained, and the Lord Bishop having declared Christ Church the Cathedral Church of the Diocese, founded a Deanery, and collated the Rev. E. Cridge first Dean of the Church.

SOME HOPE FOR IMMIGRATION.

TO THE EDITOR OF THE BRITISH COLONIST.

Sir,—While the accounts which are reaching us from British Columbia are calculated to draw a considerable mining population to this colony on the coming spring, I am glad to see also a prospect of what must render our island attractive to permanent settlers. I refer to the intended Homestead and Non-imprisonment for debt laws. There are hundreds of respectable families in England whose means are unequal to their wants, and who are anxiously enquiring what they shall do for their relief,—to what country they can emigrate with a reasonable prospect of making provision for the future. They have a small amount of capital, say from £500 to £700, and could therefore pay their passage out and have a convenient sum left on landing on our shores. Now let such people know that £500 would enable them to procure a homestead here of say 100 acres, and so far to stock the same as to lay a substantial foundation for future subsistence and even prosperity, and that under no circumstances could their land be wrested from their grasp, or their bed sold from under them; and let them know also that if in any other honest endeavor they should fail, provided they could show an honorable account, no prison walls should ever enclose them, in a few years we should have our waste lands occupied by some of the most industrious, enterprising and happy people upon earth. With our highly enjoyable climate, our productive soil, our abundant game, our endless fisheries; we should present an attraction which no part of the world could surpass, and which many parts cannot equal.

Yours, OBSERVER.

PUGILISM.—During last week a couple of athletes belonging to the ship Lottie Maria, had a fistie tournament on the wharf, to the no small gratification of those gentlemen of leisure, yclept bums, and all the small boys who were within hail. The encounter, we are told, was merely for the satisfaction of outraged national honor, and not for such mercenary motives as stakes—pshaw! The combatants were a boney—not bonny—representative of the Land o' Cakes, and an elongated, condensed edition of humanity from the domain of Uncle Sam. Preliminaries were at once arranged, and the fight commenced. Scotty soon had his man "safe," as it is styled, and pummelled away with such good will that the representative of the stars and stripes was little better than a jelly when he was mercifully taken away from him. The public are wholly indebted to the kindness of Captain Kinsman for the exhibition, for had he not with an ingenuity beyond all praise kept himself aloof from the place of combat, the public would have missed a "delectable" treat and Dr. Carrall an "interesting" patient.—*Nanaimo Gazette*.

NAVAL.—H.M. Ships Suttle and Tribune, we learn, will await the arrival of the next mail before sailing for the South Pacific.

## LICENSING COURT.

(Before the Stipendiary Magistrate, Mayor Franklin, Thos. Harris Esq., and Col. Foster.)

## WHOLESALE.

The Bench granted a wholesale license to Messrs. Goldstone.

Mr. Bishop applied for a license for the Billiard Saloon over Zeller's store, and read a petition signed by 130 of the principal merchants in town. There was no opposition. The proper notice not having been given to the Bench, the granting of the license was postponed until Monday next.

Mr. Dennes applied for a license for Peter Lind at Saanich—Refused.

## TRANSFERS—COUNTRY.

Saanich Hall Hotel—H. Fry to C. B. Sparks, permission to sell for a month—Granted.

Brewery Tap—Elliott & Stewart to R. Bentley—Granted.

Sooke—Elliott & Stewart to Philip Longhurst—Granted.

## TOWN.

Queen Saloon—C. Hounslow to Tobias Picoenelli—Granted, subject to payment of arrears due.

Royal Tap—Berry and Horser to N. Rowland—Granted.

The Grotto—Thos. McCann to Waller & Crooks—Granted.

Bulls Head—T O'Connor to H Henly postponed.

Confederate Saloon—Townsend & Shapard to Lusch postponed.

Everett's Exchange—Everett to Welch—postponed.

Miner's Exchange—Joe Morris, to Thos. O'Conner—postponed.

APPAIRS AT ACAPULCO.—A passenger by

the Constitution informs us that they met a French steam corvette going out of Acapulco, said to be bound, for Mazatlan, to bring down the 151st Regiment of French troops-of-the-line, one thousand strong, on the arrival of which they, with the forces at Acapulco, were going to attack the Liberal General Alvarez, who occupied the passes and mountain fastnesses back of Acapulco. The latter is reported to have two thousand native troops, said to be indifferently armed, but capable of doing good service nevertheless. As Acapulco was completely cut off from the interior to the French, and the latter hold the harbor against the Mexicans, there was no chance to get any of the usual supplies at Acapulco, the price of eggs being only four dollars per dozen, or, as our informant expressed it, he paid a dollar for three indifferently small eggs.—*Alta*.

ARGENTINE REPUBLIC.—The latest dates from Buenos Ayres are to the 15th of September. The last news from the seat of war is not important, with the exception of information received from General Flores' division. This commander, in connection with Paupero and the Brazilian General Canavaro, had succeeded in completely surrounding the forces of the Paraguayans in Uruguayana, on the left bank of the river Uruguay, and commanding them to surrender. By thus taking 8,000 men of Lopez' troops prisoners, Flores has cleared the country from the enemy, and opened himself a road towards Asuncion, the capital of Paraguay.

THE END OF THE WORLD.—A British army officer, Capt. W. A. Baker, of the Royal Bombay Engineers, has at last settled an often disputed date—the year in which the world will come to an end. In a work just published in England, entitled "The Day and the Hour; or Notes on Prophecy; a sketch of the future, extracted from the Bible," he imparts a considerable amount of information which is certainly "important if true." The day of judgment, he tells us, is fixed for Sept. 20, 1878: the hour, sun-set the Translation of the Saints having previously taken place, at 11 o'clock in the morning on the 25th of January, 1875.

NEW BRUNSWICK.—Hon. A. J. Smith, President of the Executive Council, has accepted the office of Attorney General, vice Hon. John C. Allen, who has been appointed Poinsie Judge, in the place of Judge Parker, promoted to the office of Chief Justice; made vacant by the resignation of Chief Justice Carter. The papers do not state who is likely to take Mr. Allen's seat in York County.

FROM ST. HELENA.—Advices from St. Helena mention that the fête of the 15th August was celebrated in that island. A *Te Deum* was performed in the chapel of Longwood, at which commander de Rougemont, a number of English officers, and the American consul were present. A breakfast followed, when toasts were drank to the English and French Sovereigns, and to the union of the three countries.

COMMENDABLE.—We are glad to see our New Westminster contemporary retracing his steps and going in for the abolition of the export duty. We said a few months ago that he would have to come to this position, and we are not surprised that he has shown the good sense to bow to the inevitable.

RELIGIOUS.—Letters received in London from Rome assert that the allocation recently delivered by the Pope against secret societies was due to the suggestion of Archbishop Manning, who wished in this manner to obtain a condemnation of Fenianism.

WE note in our English exchanges the death of the Rev. Canon Stowell on the 8th October. He was a distinguished divine, and contributed several valuable works to theological literature.

THE BIG BEND ROUTE.—The report that Mr. G. B. Wright had obtained the contract for placing a steamer on the Big Bend route was premature. The contract will not be awarded until the 21st instant.