

The Weekly Colonist.

Tuesday, November 8, 1864.

LEGISLATIVE COUNCIL.

WEDNESDAY, October 2. The Council met at 3:20 p.m. Present—The hon. President, Colonial Secretary, Attorney General, Treasurer, R. Finlayson, and H. Rhodes.

PROVISIONAL CORPORATION BILL. This bill was sent up from the lower House, accepted and passed with the amendment of the Council. Ordered to be sent in for His Excellency's approval.

DECLARATION OF TITLES BILL. The Council went into Committee on this bill. The hon. Attorney General in the chair. The hon. Chief Justice stated that the bill was a transcript of the English Act adapted to this colony, and was therefore not subject to the errors of a bill framed in the colony.

Clause 1 to 21 passed without amendment. Clause 22 proved considerable discussion and the Committee eventually rose and reported progress to enable the framers of the bill (Mr. E. G. Aiston, Registrar) to be consulted in respect thereto.

BARRISTERS' BILL. A message was received from the Speaker of the House of Assembly desiring a conference with the hon. Council on the Barristers' bill. The Council assented to the conference and fixed Monday next at 3 p.m. for the same.

The Attorney General enquired whether it was customary for all the members to attend a conference of this nature. The hon. President replied that there were usually managers appointed, but the number of the Council was so small that he thought it as well the whole of the members should be present.

THE CHIEF JUSTICE SALARY BILL. The hon. Treasurer proposed the re-consideration of this bill.

The hon. R. Finlayson said that the principles of the bill had already been discussed, and as it was a money bill which could not be altered, he did not see the necessity for its re-consideration.

The hon. Attorney General said he could not side with the hon. Treasurer because the bill was a money bill and could not be amended except as to clerical errors if it were re-committed. He had had his say in the matter. The bill itself was unexceptionable, but the language was objectionable. The hon. gentleman repeated some of the observations made by him at the previous meeting.

The hon. Treasurer said the object of the bill was to provide permanently for the salary of the Chief Justice, but the details showed that it was provisional, contingent upon a certain description of person being selected. The salary should be appended to the office and not to the incumbent.

The hon. R. Finlayson said that the request was sent home at the same time as the Pension Act in the Resolutions on the Civil List, and the Secretary for the Colonies had signified that there was no vote of the Legislature for the purpose. This bill, therefore, provided for the payment of the salary. No objection had been urged against the expressed wish of the Colony by the Crown, and it was therefore finally sanctioned.

The Colonial Secretary said that the Act sent home had neither been allowed or disallowed.

The hon. Henry Rhodes considered that the Act having been assented to by the late Governor Douglas was a law until disallowed by the Crown, and as it had not been disallowed it still remained law, and he thought it must be considered to have been silently assented to.

The hon. Attorney General said that there were no Lords, Commons and King in the Colony, but that the man selected might be wholly inexperienced, unacquainted with colonial affairs, and untried in the office; and he disapproved of the proposed attempt to tie the hands of the Home Government.

The Colonial Secretary said the Council must either accept or reject. They could amend nothing but clerical errors.

The hon. R. Finlayson said that the people had a right to elect their own paid officers.

This produced a complete volley from the official side of the table.

The hon. Attorney General said if that was the view entertained he should vote for the bill being read the next day.

The hon. Colonial Secretary said it was dangerous ground to touch upon.

The hon. Attorney General hinted that such could only be the case with a responsible government.

The hon. Colonial Secretary corrected the hon. gentleman.

The hon. Henry Rhodes said all question of interference with the Royal prerogative had been waived by the Crown by consent being virtually given to the bill sent home.

The hon. Colonial Secretary said no consent whatever had yet been given.

The hon. President called Council to order.

The hon. Attorney General said if the intent of this was to get in the thin edge of the wedge for maintaining the principle that those officials who were paid by the Colony should be elected by the Colony, there had not been enough said on the subject.

The hon. R. Finlayson then moved the third reading of the bill, which was seconded by the hon. Colonial Secretary and carried, and the bill passed.

Pro—Hon. Colonial Secretary, R. Finlayson, and H. Rhodes.

Contra—The hon. Treasurer, the hon. Attorney General not voting. Council adjourned to Monday next, at 3 p.m.

POLICE COURT.

TUESDAY, Nov. 1st, 1864. (BEFORE THE RESIDUARY MAGISTRATE AND MAJOR POSTER, J. P.)

ASSAULT. T. Smith Allart appeared to answer a charge of assault preferred against him by Mr. R. Bishop. Mr. Ring defended the accused, and the case was remanded until Thursday next.

THE KNIFE DRAWING CASE. Symon P. Fuller again appeared to answer the charge of drawing a knife on Thomas Aboon. Mr. Bishop appeared for the accused, but he urged in extenuation what he had previously advanced, viz.; that the accused had mistaken the door and drew the knife when he thought he was attacked.

Mr. Chamberlain, who had known Fuller for 8 or 10 years and came with him from Boise, gave Fuller a high character, and the Magistrate remarked that he made due allowance for the accused being a stranger, otherwise the offence was serious enough to go to a higher court. He should impose a fine of \$20.

ESTATE OF GEO. ROBERTS. Charles Grammes was charged with being found in the unlawful possession of certain effects of the late Geo. Roberts. Mr. Bishop prosecuted and Mr. Ring defended. The prosecuting Attorney stated that he made two charges against the prisoner, one of stealing and the other of knowingly receiving stolen property, and he went at length into the nature of the facts originating the accused, which he purposed to establish by evidence.

Mr. Peter McQuade, administrator of the estate of the deceased Roberts, was sworn, and stated that the prisoner passed in and out of the room in the French Hotel when he and Superintendent Smith and Peter of the Hotel made an examination of the effects of the deceased. Prisoner was asked if he had any keys which would open a trunk they wished to examine; he produced keys, but they did not fit. The box was opened by force. He believed that prisoner stated that all the property of the deceased was in the room. Proof of debt for \$53.50 sworn by the accused as due to him from the estate of the deceased, and which had been duly paid, was produced, also the prisoner's receipt in full of all demands. The accused came to him in consequence of an advertisement with the proof of debt, but did not say that he had any property belonging to Roberts. Witnesses here said a brown felt hat produced resembled one worn by Roberts, but he could not swear to it nor to sundry other gambling effects produced.

Sergeant McBride deposed to the arrest of the accused under a warrant. Witness had previously been to the Louisiana Restaurant, when a search was made for Roberts' effects. The articles produced (with the exception of the brown felt hat and coat), consisting of card-cases, checks and a black silk hat the prisoner said belonged to Roberts. After the usual caution had been given, prisoner said Roberts owed him some money, and the things had been left with him to keep in case he did not return.

Pierre Mercier deposed that the late Geo. Roberts lived for more than three years at the Hotel de France. Would not swear to the felt hat, though it resembled one he used to wear. Knowing nothing of the card checks until parties called and enquired for them. Roberts always kept the contents of his trunk very close. Asked prisoner whether he knew anything of these checks, he said he did not. Mr. Liechtenstein was one of the parties who called. Witness told the prisoner that if he made out his bill against Roberts he would get a dividend from the estate. Prisoner had sole charge up stairs. He was very friendly with Roberts.

Mr. Adams, Hatter, of Yates street, identified the black silk hat, but could not swear positively to the felt hat; to the best of his knowledge and belief it was the one worn by Roberts. He had only seen two of the same kind of hats in this colony.

S. H. Liechtenstein, sworn—Had known the deceased since the spring of 1862. Had seen the box containing ivory checks, they were worth in New York from \$100 to \$125, and here from \$150 up. The box of marks was worth here about \$10. The dealing box was worth \$30. The card box about \$3. These articles were in the possession of Roberts, but witness could not swear that they belonged to him. Another man had said that he had lent them to the deceased. Last saw Roberts on the 5th April. Know the accused, saw him about 14 days ago, he said he had a set of checks for sale, which he wanted me to buy. I went to see the articles in a private place in an alley, and saw the large felt hat produced, which I recognised as like that worn by Roberts. The accused opened a chest and showed me the gambling effects which I remarked belonged to Roberts, and he said they did, but he would give for them, and I gave an evasive answer to the effect that I might give him about \$100. I promised to call again, but did not, and gave information to the police. Prisoner met me several times afterwards in the street and pressed me to come and make a bargain with him. The passes produced he believed belonged to the deceased.

Examined by Mr. Ring—The articles produced are used in all kinds of society.

Witness—I have seen judges of the Supreme Court and all kinds of persons use them.

Mr. Ring—A judge of card-playing you mean?

Witness—No, I mean what I say. I have seen these things used in all kinds of society, and even by judges of the Supreme Court.

Mr. Pemberton—Where?

Witness—In New York, California, Cariboo and Victoria.

Mr. Ring—What is the judge of our Superior Court?

Witness—No; but I have seen the same things in use here.

Mr. Ring—We have not advanced quite so far in civilization yet.

Witness was here cross-examined minutely as to the identity of the articles, but could only swear to a general belief in their ownership.

Superintendent Smith deposed that the prisoner was asked several times whether he knew where there was anything belonging to Roberts, and said he knew of nothing with the exception of the trunk. The hat and other things were admitted to have been Roberts'.

Mr. Ring in addressing the court dwelt particularly on the point that no proof whatever had been advanced to support either the charge of theft or receiving stolen goods. It had not been denied that the property belonged to the deceased Roberts, and the most that could be made out of the whole affair was a simple breach of trust. The articles had been entrusted by Roberts to the custody of the accused, and if the former were to return to-morrow he would apply to the accused for that trunk. As for the coat and hat, he asked whether it was not a very natural supposition that Roberts, like men of his class, who are frequently generous, on going away should say to the prisoner, "I don't care for that hat and coat, but take good care of that trunk," as it contained certain articles used by gamblers, which not even the accused's master was cognisant of.

Mr. Bishop in his reply referred especially to the proof given of the prisoner having offered the articles for sale to Mr. Liechtenstein.

The court was of opinion that inasmuch as the prisoner had denied possession of the property, which was afterwards found in his possession, it did not feel disposed to deal with the case in a summary way, and must, therefore send it to a higher court.

LETTER FROM CARIBOO.

(BY A RESIDENT CORRESPONDENT.)

WILLIAMS CREEK, October 23, 1864. EDITOR BRITISH COLONIST:—We are now enjoying some of the finest weather imaginable, quite equal to that of Victoria at this time of year. The last few nights have been very warm, the days quite sunny with an occasional shower, just sufficient to keep the sluices going nicely. In fact it is impossible to have more suitable or agreeable weather for mining purposes. We are of course looking out for a cold snap, or heavy fall of snow, but as at present there is not a speck of snow visible in the distant mountains, from any part of the creek. Even as far as the eye can reach from the summit of the hill going to Lovbee, no snow can be seen, and folks are beginning to think very freely is yet known of the Cariboo climate.

There are very few men on the creek but are working. The Saw-mill claim in Conklin's Gulch struck a big prospect on Thursday morning, and on the occasion a majority of the boys got on a "bus" and they have worked hard and steadily all season, and we all hope and wish they may have it a foot thick on the bed rock. It is supposed that they have 200 feet of ground as rich as the richest of the "Erebus." The Cameron company are now working an upper shaft from the old Wattie shaft, but I cannot say with what success till they are a few feet further into the hill. The Ruby is doing well, they had \$700 to the interest last week. The Bruce is paying more than wages. The Moffat is doing pretty well, they had \$300 to the interest last week. The Beauregard have stopped work. Very few of the claims around Barkerville are doing much. The Calcedonia expect to be drained in a few days. The Tinker is paying \$25 per day to the haul.

Mr. James Orr is coming forward as a candidate for the representation of the Mount Cassette, at the election of his friends. He is almost sure to be returned. It is rumored that Mr. Walker's electioneering expenses were \$4000. One free house of his in Cameron town sent in their account, which was only \$1,100! Pretty stiff for what they could have applied for. Messrs. Walkem, Orr, and Hankin, all promised to do their utmost to abolish the law which imprisons for debt, except in cases of fraud; and also for an alteration of the law holding any shareholder responsible for all debts contracted by the company. We hope Mr. Walkem will give the latter his special attention, as we have had a very painful instance of its effect in retarding the progress of the colony, during the past week. A young man well known and highly respected on the creek sold out of the Union claim, Marysville, four months ago, at the time paying up all his assessments. The company have since "fizzled," and the other day he was summoned for \$170, a debt contracted before he sold out, and which he had paid his share. Mr. O'Reilly ordered him to pay it within ten days, at the time remarking "it was a painful case, but such was the law." Since then he has had several summonses for similar amounts, and rather than go to jail he has left for California. Two days before he received the first summons, he told me he had arranged to stay all winter.

A rather serious accident occurred to a man called Evans, a few days ago. He was working on a side claim adjoining the bed rock Burns when a piece of rock flew from the blast in the flame, and struck him on the head, fracturing his upper jaw, and cutting his head and face badly. Dr. Chipp was passing at the time, and rendered him every assistance. Under the Doctor's care he is doing very well. I have heard that the Governor has written to Mr. O'Reilly, saying the hospital is to be kept open.

We are to have a grand concert, &c., next Tuesday evening, at Barkerville, under the management of Mr. James Anderson, of the Cameron claim. We expect a treat. All who attended the concert got up by Mr. Anderson last spring, when the house was so crowded, and the boys in their enthusiasm kicked so hard with their "gums," that the floor of Jenny's saloon caved in, know that we shall have a treat. The concert, like that given in the spring, is for the benefit of the Reading-room.

MADAME RIVIERE'S BALL. On Thursday evening last we had a ball at Barkerville, which would have been a good one but for an unlucky incident, the offspring of malice and ignorance, which spread a gloom over the guests early in the evening. A supper was provided by the worthy hostess that would have done credit to a table where good things are easier procured than in Cariboo, in proof of which the ladies, and the boys especially, did not wait. Shortly after supper dancing commenced most vigorously, everybody looking cheery and as though determined to shake the leg as long as there was a shake left in it, when suddenly one of the boys was taken violently ill, and he had also to retire; not until a lady was similarly attacked did the boys suspect that some dastardly fool play had been enacted by some one, and I'd have pitied that some one who ever it might have been had he been known to be in the room. An investigation was at once made ascribing that Croton oil had been freely distributed among the fruit pies with the intent of making the guests ill and the ball a "fizzle," but in this the investigators of the very laudable deed were not nearly so successful as they desired, for fortunately only one lady partook of the pie; the others remained and did their utmost to make the night pass pleasantly, in which they succeeded admirably. For after all it was the nicest and best arranged ball we have ever had on the creek. I have said there were investigators to this shameful trick, which proved to be the case; for no sooner had the nauseous mixture begun to take effect than an announcement was made in the house that dancing would commence right away in a neighboring saloon, and everyone respectfully invited to attend. This grand affair, intended as an opposition ball, was got up by three ladies whose conduct at previous jollifications being anything but exemplary, excluded them from invitations to Madame Riviere's, and was signally unsuccessful simply because the musicians on the creek, knowing the merits of the case, would have nothing to do with such a cabal. Now whether it was because the fiddler would not play or that some one playfully inserted something very overpowering into the good things provided by the opposition, I cannot venture to say, but this I will say, that early in the morning, just before the break of day, the opposition, the three ladies included, were quite overcome, some say by the heartless conduct of the musicians, others by some obliging fellow who had put a little of a little of something very weakening; my own private opinion is, and I believe nearer the mark, that as Mr. Samuel Weller, Senior would say, "it was all 'a owing to their own wilful stupidity for allowing away a larger share of the good things than they could comfortably carry. But we are glad to hear that the worthy lords of the three opposition ladies, in hopes that a change of air will tend to their recovery, propose, as soon as the snow is good for anything, to convey them to a more salubrious climate for the winter; we hope they won't disappoint us and start, the snow won't disappoint them, for as much as we respect ladies in Cariboo we shall all be disagreeably disappointed if they ever again appear on Williams Creek.

FRUITS. RACES ON THE NINE.—At the meeting held last night at the Grotto, it was decided that the following four races should take place on the Beacon Hill Course on the Prince of Wales' birthday:—1st. Pony Race—1 mile and repeat, best two in three, each weight. 2nd. Prince of Wales' Plate—Best two in three, mile and repeat, to carry 140 lbs., or weight for age, open to all horses. 3rd. Lancers' Purse—Best two in three, half-mile heats, to carry 140 lbs. 4th. Should the funds allow another purse, it will be made up on all horses, except the winner of the Prince of Wales' Plate, mile heat, to carry 140 lbs. Mr. McCann and Mr. Liechtenstein, in regard to the appointment of a committee to wait upon the citizens for subscriptions. Over \$200 were contributed in the room, and the meeting adjourned to meet at half past 7 p. m. on Saturday. As this will be the only public amusement provided on this holiday, we doubt not that the public will respond liberally to the call.

THE EARTHQUAKE.—The severe shock which was felt here on Saturday morning last, was experienced also at the same moment in New Westminster. The North Pacific Times says: "A very distinct shock of earthquake was felt in most parts of this city on Saturday morning last. The time of its event corresponds exactly with that of the heavier shock felt in Victoria, proving the existence of an uncomfortable species of subterranean telegraph between the two colonies. The shock appeared to have terminated here, no motion having been felt in the higher river towns."

PARTY ON BOARD H. M. S. STURLEY.—Admiral and Mrs. Denman last night gave a party on board the flag-ship at Esquimaux, preparatory to their departure for the South Pacific.

HOLLOWAY'S OINTMENT AND PILLS.—Marvellous cures have been accomplished by Holloway's Ointment. It is the only Ointment which produces any impression on these complaints. The pills are used at the same time, for the action of the one is greatly assisted by that of the other. The above-named medicines, when Holloway's Ointment and Pills are used, will cure all the above-named complaints, and are composed of rare balsams, and are as benign as salt is as they are powerful.

HOUSE OF ASSEMBLY.

TUESDAY, November 1. House met at 3:15 p.m. Members present—Messrs. DeCosmos, Franklin, Young, Toimie, Dickson, Deemes.

EDUCATION. The Speaker read a communication from His Excellency the Governor stating that he would give the resolutions on Common Schools his most serious consideration.

THE CROWN LANDS. The Speaker read the following communication from His Excellency the Governor: "The management of the Crown Lands is at present on a most unsatisfactory footing, and I would earnestly desire the final decision of the Legislature on the proposal of Her Majesty's Government with reference thereto before I assume the undivided responsibility of applying the necessary reforms."

The inconveniences and injuries to the public interests arising from the present uncertain and unsettled state of this question, are serious and numerous.

The consideration of the important subject of emigration must be deferred pending its settlement.

The growing difficulties with the Indian population must continue to increase while the extent of their lands is undefined and their just claims unliquidated.

The Estimates for the year 1865 cannot for the same reason be prepared, or proper provision made for the conduct of the Government.

The House will learn from the Despatch now laid before them that it is incumbent upon me, in the event of their declining to take over the Crown Revenues, to furnish in respect of that Revenue, Estimates for the ensuing year, and accounts of the Receipts and Expenditure for former years, with a view to their being properly audited.

This course will necessitate the adjustment of the account between the local Government and the Crown, and a refund of the amount advanced from the Crown Revenues for colonial purposes under the Resolutions of indemnity passed by the Legislative Assembly on 2d July, 1864, together with all other sums appropriated without due authority.

There are numerous minor complications and difficulties daily arising out of this unsettled question.

It may be proper for me to state my opinion that whatever the decision arrived at by the House on this question it will in no way impair the rights of the colony or prejudice the claims asserted by the Legislative Assembly against the Hudson Bay Company in their Resolutions of the 27th June, 1864.

I have the honor to be, Gentlemen, Your most obedient Servant, A. E. KEMNADY, Governor.

Downing Street, 1st August 1864. Sir—I have the honor to acknowledge the receipt of your despatch No. 32, of the 4th of June, in which you enquire whether the practice of not sending home the Public Accounts for audit in this Country has been sanctioned by the Secretary of State.

In reply, if at the wish of you that the accounts of the General Revenue in a Colony possessing Representative Institutions, like Vancouver Island, are not subject to audit in this country, but that the Crown Revenue, that is to say, the monies derived from the disposal of lands, and other sources not under the control of the Assembly, ought to have been so audited.

In case, therefore, it should appear probable that the Assembly will not take over the Crown Revenue on the terms offered by the Duke of Newcastle, a step would be at once taken for placing this audit on a proper footing prospectively; submitting annual statements of estimates and accounts similar to those furnished in Crown Colonies, as provided by the 10th Chap. sec. ii of the Colonial Regulations. In any case, however, a statement of the past receipts and expenditure of the Crown fund should be compiled, and sent to the Secretary of State.

I have, Sir, the honor to be, &c., &c., &c. (Signed) EDWARD CARDWELL, SANCTION ELECTROTYPE.

The Returns from Saanich district declaring the election of Mr. John J. Cochrane as sitting member, were laid before the House.

BILLS FROM THE COUNCIL. The Barristers' bill, as amended, and the Civic Election bill, with amendments, came down from the Legislative Council. The House took up the latter bill and adopted it as read. The Barristers' bill will come up for first reading to-morrow (Wednesday).

The despatch on the Crown Lands will be taken up on Monday next.

ORDERS OF THE DAY. To-day, Harbor affairs; Mr. DeCosmos' resolutions on Roads, Fisheries, and Flour Mills; and first reading of the Barristers' bill.

House adjourned at a quarter to four o'clock.

Any One can use Them. A basin of water is all that is required to produce the most brilliant and fashionable colours on Silks, Woollens, Cottons, Ribbons, &c., in ten minutes, by the use of

Judson's Simple Dyes. Ten colors, Price 1s. 6d., 2s. 6d., and 5s. per bottle. These Dyes will also be found useful for imparting colour to Feathers, Fibres, Grasses, Seaweed, Ivory, Bone, Wood, Willow Shavings, &c. Paper, also for

Tinting Photographs, and for Illuminating. May be had of all chemists throughout the United Kingdom and British Colonies. Wholesale and Retail, 19, Coleman St., London.

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PILLS. Being the Liver, &c.

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