

# THE WEEKLY BRITISH COLONIST.

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VICTORIA, VANCOUVER ISLAND, TUESDAY, JUNE 26, 1866.

NO 33.

THE BRITISH COLONIST  
PUBLISHED  
EVERY MORNING.  
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VICTORIA, V.

other; and although the powers possessed are capable of abuse, we are persuaded that, with our present system of Government and Union imminent, it would be unwise to do away with either branch. As heretofore, we shall endeavor to furnish the latest news at whatever cost, but in order to meet the telegraph bills we are compelled to raise the weekly rate of subscription to thirty-seven and a-half cents—a rate which we feel sure will not be deemed exorbitant when our readers bear in mind the enormous expense attendant upon laying before them at their breakfast-hour the latest news from all parts. With only one paper in the field the Telegraph Company, in order to meet its own expenses, has fixed the rate for telegrams at a figure corresponding with that formerly paid by both papers. It therefore becomes necessary that we should ask the public to bear a portion of the loss, and we feel sure, from past experience, that we shall not meet with a refusal. In other respects there will be no change in our rates. All we ask is a fair return for our labor.

Having thus briefly stated our position and intentions, we beg to return our thanks to the patrons who have extended to us through the CHRONICLE a generous support, and to assure them that no effort will be left untied, and neither enterprise nor expense spared to make the COLONIST and CHRONICLE a newspaper worthy the support and confidence of the people of both Colonies.

HIGGINS & LONG.  
Victoria, V. I., June 25, 1866.

LOCAL INTELLIGENCE.  
Monday, June 26th.

Interesting Trial of a Suspected Smuggler before a United States Court.

Attempt to Compromise the Sir James Douglas.

On Saturday evening the Sir James Douglas left this port for Bellingham Bay, W. T., with several English Coal miners aboard, who had been engaged to work at the mines there. Among the passengers was W. Lyons, of the New Zealand House. The usual precautions to prevent liquors being smuggled were taken by Capt. Clarke, but a search failed to disclose any contraband packages. Arrived at Bellingham Bay, the American Custom officer, W. E. Barnard, Esq., after the landing of the furniture and effects of the miners left the steamer, and later in the evening returned and informed Capt. Clarke that he had been informed that some smuggled liquors were on board, a search was made by the mate, who discovered three or four packages of liquors in the forehold. The steamer left early the next morning for Port Angeles, where Lyons was taken into custody as a smuggler.

A report of the proceedings before the U. S. Commissioner has been kindly furnished by N. Jacob, Esq., who was present, and watched the case on behalf of the Government of this Colony.

U. S. COMMISSIONER'S COURT.  
(Before W. E. Conklin, Commissioner, and D. C. Brown, Deputy Marshal.)  
June 23rd, 1866.

W. Lyons was arraigned on a charge of attempting to smuggle liquors into a United States Port. Mr. W. E. Barnard acted as prosecutor, and Mr. John W. Bagley appeared for the defence. The first witness called was:

Capt. James Clarke—On Thursday night, Mr. Lyons came to me for a passage to Bellingham Bay, and asked the fare there and back; he said that he would make money if I would carry liquors across; if I would allow him, or words to that effect. I told him there was only one way of doing that, which was by legitimate means; this is all that occurred on this occasion.

Examined by Mr. Barnard—Did you tell the prisoner what you meant by legitimate means, I did; and in reply he said he would not take them. The liquor found on board was not there with my knowledge, or that of my crew, as I believe; they were not entered at the Custom House on my leaving Victoria yesterday morning. On our way to Port Angeles I was informed by the Engineer that he thought it his duty to acquaint me that he suspected spirits being brought into the ship. I inquired of the crew, I mean that portion of the crew on deck, not the firemen; they informed me that there was nothing of the kind on board the ship to their knowledge. I also visited the lower deck and found nothing; nothing further occurred until last night, when Mr. Barnard had left the ship, having wished me good bye, we were then at Bellingham Bay, this is the port we were destined for.

Mr. Barnard informed me that smuggled liquors or spirits were on board; I turned up all hands immediately, everybody, and inquired if any of them knew anything about it; they all denied it most emphatically; I

then sent the chief officer of the ship to search the lower deck and right forward, as far forward as you could possibly get under some rope, cask, and other stores, was found a demijohn filled with spirits; about half an hour after this, when Mr. Barnard suggested where that came from there must be more; I sent the chief officer again to lift a small hatch in the lower deck; this hatch is in the fore part of the lower deck, and he found three tins, of about 5 gallons each, 2 of which were punched holes in, and found they contained spirits; the third we did not touch, but concluded it contained the same as the others; had them put back again in the same place; agreed with Mr. Barnard and Mr. Neale, the chief officer, to keep watch in the forehold of the ship; I was one of the watch, warmly all had to remain in bed, as I was going to bed at half past ten; the prisoner was not on board when the liquor was discovered; he left the ship after dinner, between six and eight o'clock; I don't know of his being on board subsequent to this. After all hands were sent to bed, between half past eleven and twelve I heard Mr. Lyons' voice with others; I could see but could not be seen; I only heard one person on the deck. Immediately the foot touched the deck, a man jumped out of bed and ran up the fore-castle ladder; I tried to stop him by calling out, in an undertone, he either did not hear me or would not pay attention to me; I did not call out the man's name, as I did not know who it was, his back was turned to me, but as he returned about a minute after I saw it was Henry Wafford, the fireman; I think Mr. Lyons was moving and going aft; I presume it was Mr. Lyons; I will swear it was Mr. Lyons' voice; I can't say if Mr. Lyons remained on board all night after this; I heard somebody on board between one and two o'clock; I should think there were two, I heard voices, their voices were suppressed; I heard footsteps, they were very light; I saw the reflection of a dark lantern or lamp; I should think it was on the wharf; I know the business of the prisoner, he is a drinking saloon keeper, he keeps the Great Eastern, it is a public house; I know of a package of champagne being brought on board by Lyons, not belonging to the ship, it was a box; Mr. Lyons treated all hands on board; they were bought of the steward; the champagne was stated to be for the use of the people going in her; Lyons stated he expected Mr. Backus and a large party were going; the champagne was to treat them; Remember when you, Mr. Barnard, left the hold; after leaving the hold I went into the cabin and saw the prisoner there.

Cross-examined—I recognised Mr. Lyons' voice; I was below him; I could not see any one; I believe that the champagne was brought on board to treat with; the voices were of a suspicious character; there ought not to have been anybody moving about the ship at that hour of the night; I saw a light; the lantern did not belong to the ship. Charles Moss—I was on board the ship; I have heard the testimony given by Captain Clarke; the prisoner came on board about half past eleven; he came to take away what few things he had; he came to me and asked me if I would sell him a bottle of brandy; I told him no, it was against the rules, and I would not; he said he was going to take his things ashore; he said he was thinking to stay at Bellingham Bay a few weeks, it might be a month, even three months; he said he had arranged with the head boss there to open a boarding house; he asked me to call and tell his wife he would not be home for some time; he left the ship; I understanding he was going to take up his residence at Bellingham Bay; I was surprised to see him in the cabin this morning; I woke him up this morning and asked him why he did not stay ashore; he said he had some other business to attend to; half an hour after we came in from Nansaimo he came to me and said he could put me in the way of making some money; I said I did not want to enter into anything of the sort; he told me that a steward was allowed 10 gallons of each kind of liquors; I said I did not care if he was allowed 50; I declined, and said I would not get myself into any difficulty; he asked me what I would take to let him go in my place; I told him Capt. Clarke would not allow it; there was something said about what would be made; we could make a good thing out of it; the money was to be made by smuggling these 10 gallon kegs of liquors; I have known other ships, and of I have seen Mr. Lyons on board previously; I saw him yesterday forenoon in the fore-castle; he went as a passenger, and had his meals in the cabin; I had reason to believe that smuggled goods were on board; I saw a man take something down the fore-castle the night before, it was something out of a case; one of the men was Wafford; I could not tell the height of the other man, he was stooping down; Wafford is a man of family, when in port he does not sleep on board.

Examined by Commissioner—I is not usual for packages to be passed down the fore-castle at that time of night; the other man was not one of the crew; I know it because of his hat.

Cross-examined—I don't know what state the prisoner was in when he came on board the ship for the brandy; I don't believe he was drunk; they were taking something out of a case down the fore-castle; I don't know what it was.

Re-examined—I was in bed when he came on board at half past 11 to fetch his things; I was not awake many minutes after this; the defendant did not appear drunk.

George Neale—Half-an-hour after the liquors had been found last night I was talking on deck with the Engineer and Steward on the poop, when I heard a man come down the wharf and jump on board; I halted him and asked him who he was, he made no reply, I then walked forward and saw him forward of the windlass, I asked him what he wanted, he said that he had come

to look for a coat that one of the men, I presume he meant the passengers, had left behind him, he then passed on, went round by the fore-mast, and then on to the wharf, with no coat; he didn't find anything; he was looking out for it on the fore-castle; I don't know who the man was, he was a perfect stranger to me; I asked Booth that fireman, a man whom I thought there was most faith to be placed in if he had seen any one as he came down the wharf; he said yes, he had seen a man lurking round the coal cars, whom he supposed to be an Indian, and took no notice of him; he also told me in conversation, that on Thursday night, between 12 and 1 o'clock, when he went on board, the light in the fore-castle was out, and he had to light it before he could go to bed; Mr. Flood is one of the firemen; the light ought to have been burning; this statement is made in conjunction with that of Capt. Clarke; I can also confirm that one of the voices I heard last night about half-past 11 was the voice of the prisoner; I retired to bed about half-past three, and found the prisoner asleep in a blanket in the cabin; I have seen the prisoner now and then aboard the boat.

Cross-examined—On a previous occasion, coming from Nansaimo, prisoner was in the fore-castle; I am under the belief he had slept there.

Henry Wafford—I don't know any thing about this matter; I don't know any thing more than a child unborn about the liquor; I know I am on my oath; I know what the consequences of perjury are; I know the prisoner; I have no acquaintance at Bellingham Bay; I am aware that smuggled goods were found on board the Sir James Douglas; I know where they were found; I saw them taken up; I was on board the steamer Sir James Douglas twice the evening previous to her leaving Victoria, once a little before nine, and again at half-past nine; I was alone; I went down for some hog wash; I didn't take it; I went straight home; I told my wife I wanted some tobacco, as I should not have time to get it in the morning as we were going away so early; I took my clean blankets in a towel; as I went down I saw Moss coming off the wharf; the first time I came down was for the swill, I didn't take it away; I walked round the block with a neighbor; the block runs down Wharf street to Government street; I never drink liquor; I remember the captain giving instructions for no one to leave his berth; I took my clean blankets to make water; I saw you (Mr. B.) on deck; I didn't see your position about the ship; I have been to Lyons' house one or two times; he is a liquor dealer; he has been to Nansaimo with us; he was in the fore-castle yesterday morning; I was there; the fore-castle is always unlocked; any one could go down and put things on board; I was on board when a stoker was dismissed; he was sent away because he left the ship without orders from the captain; the captain made a regulation that one man should always remain on board; that regulation is still in force, the regulation has been broken contrary to the captain's orders and without his knowledge; I never saw the men to be off; the first night I had of the liquor was last night; I have not heard any of the men speaking about it; Mr. Evans, a next door neighbor of mine, was the person I was walking with; there was no person on board when I went on board; the night before we left for Bellingham Bay; Mr. Martin, one of the crew, came on board about nine o'clock; five minutes after, just before I left, I saw the engineer; the captain and mate had just jumped ashore; I was on board about a quarter of an hour altogether; the defendant was on board a little before nine; I went and spoke to him; he said he thought of taking a trip over to Bellingham Bay; he said he was going over to try and get a piece of land to set a grog shanty; I didn't see him bring any packages on board; I know of Captain Clarke having made a search for smuggled goods on the way to Port Angeles and before he was boarded by the revenue officer; it was made on the passage over; about half-past nine was the latest hour I saw the steward; it was on the wharf; this was Thursday evening in Victoria.

James McCulloch—Have been engineer since the 26th December last; I have known the prisoner about two years; not as a friend, only by sight; never had any conversation with him as to business; I heard a portion of the conversation between the captain and the prisoner; he asked the captain the fare to Bellingham Bay; the captain said \$8 would be a fair price; he could take certain things about liquors; if price of passage, he said, was a very small consideration, as he could make \$100; the captain said he must get a permit and have them passed through the custom house; the prisoner then dropped the matter.

Cross-examined—We were all conversing together; he didn't use the word smuggling; it was supposed there were a number of persons going by the ship; he may have meant them for them; I should think it was the intention of the prisoner to get the things through without passing them through the custom house; the subject then dropped; the prisoner stated that he had not thought about the custom house, or words to that effect; I know of liquors having been discovered on board; I knew nothing about the liquors until I saw them last night, and I did not know there was a trap-door in the fore-castle boarding; I expressed to the captain on the way from Victoria to Port Angeles that I was suspicious that there were smuggled goods on board; the steward expressed his suspicions to us that he had seen things going down the fore-castle of the ship the evening before; I don't know if it was clothing; he said he had been suspicious that things were going down that ought not to have gone down; he saw the things going down up to twelve o'clock; I did not state to the captain who I thought had put the things down; he (the steward) afterwards told me that Wafford was one of them.

Witness, recalled—I am certain that I saw Wafford with something in his hand; he took it from another and passed it down the fore-castle.

Peter, an Indian, examined through an interpreter, Nathaniel Clifford—I saw the case brought up on deck to-day; I didn't know what was in them; I saw the things below before they were taken up on deck; all the men told me they were there; I mean the men that were working on board; I know Wafford; have seen him in Victoria; I don't

know who put them on board the steamer I was ashore at Bellingham Bay; I went to see a Cloutchman; I didn't speak to Wafford there.

This closed the case for the prosecution. No evidence was called for the prisoner. Mr. Barnard then summed up the case, stating that the evidence he had adduced before the court was sufficient to prove that smuggled liquors had been found on board the Sir James Douglas, and as this court and counsel on both sides had agreed that the officers and crew of the ship had had nothing to do with secreting or passing the liquors on board, the court could but see from the evidence that all circumstances tended to show that the prisoner was the guilty party. He then went through the evidence, and asked the court to find the prisoner guilty.

Mr. Bagley then addressed the Court in a lengthy, able and eloquent manner on behalf of the prisoner, stating that there was no evidence to show that the prisoner was the party, and asked the Court to dismiss the charge.

The Honorable Commissioner in delivering his verdict, said that he had given the evidence his best attention, and could but come to the conclusion that the evidence given on behalf of the prosecution was not sufficient to convict the prisoner, who must therefore be discharged, but he must say that there was great suspicion against the prisoner. The trial commenced at half-past two o'clock and lasted until near ten.

THE MASONIC HALL.—The splendid hall on the second floor of Capt. Stamp's new building on Government street has been very handsomely and tastefully fitted up by the Masonic Fraternity of this city, and is now one of the most elegant lodges on the coast. The Masons will assemble today (St. John's Day) in their old Lodge, on Langley street, and proceed at 2 p. m. to the Presbyterian Church on Pandora street, where service will be conducted and an address delivered by the Chaplain, the Rev. Thomas Somerville, M. A. A large and effective choir from the different churches in the city will be present, and will sing some sacred music under the leadership of bandmaster Haynes, for which considerable preparation has been made. At the conclusion of this service the Masons will repair to their new hall to inaugurate the same in due form and will dine together in the evening in the new room, Mons. Driard, of the Colonial Hotel, being the caterer for the occasion. On Saturday a handsome stone slab, surmounted by a scroll and bearing the words "Masonic Hall," was placed upon the cap of the building, giving the structure a more finished appearance. As several members of the House of Assembly will take part in the proceedings, we presume there will be no meeting of the House to-day.

DISASTER TO THE SCHOONER "ALPHA."—About 1 o'clock yesterday morning, the schooner Alpha, bound for Nansaimo, with thirty tons of freight, ran on the rocks at Bayley's Point, ten miles from Victoria. Word was brought to town at 9 o'clock yesterday morning, and the steam-tug Diana, towing the schooner Meg Merrilies, proceeded to the point. The Alpha was high and dry—the tide being at its ebb. At high water the cargo of the distressed vessel was discharged into the Meg Merrilies, and a stout hawser having been made fast to the former she was drawn into her native element and was subsequently brought around to Victoria harbour. Her forefoot is gone, but the cargo is not damaged.

FROM NEW WESTMINSTER.—The steamer Alpha, in harness from Saturday on the enterprise arrived on Saturday from the port, bringing a few passengers and Diets & Nelson's express. News from the sister Capital and the interior is meagre. At Yale the river rose on Tuesday and Wednesday, but fell on Thursday. The weather was pleasant and the roads in good condition. Business at Yale was not so brisk as it had been. There will be a grand volunteer parade at New Westminster on Coronation Day. The return cricket match between the Sparrowhawk and Westminister players was to take place on Saturday. The New Westminster Rifle Co., No. 1, have been challenged by the officers and men of H. M. S. Sparrowhawk to a trial of skill at the target.

THE DIFFERENTIAL DUTIES AND THE MAIL SUBSIDY.—It is reported that despatches have been received from the Colonial Office, by the British Colonial Government, disallowing the Differential Customs' Act, and asking the Council to task for its Direct Steam Subsidy. The first is pronounced an unjust measure, and the last is characterized as useless and extravagant.

APPOINTMENT.—In the London Gazette of April 21st, 1866, appears the appointment of Simeon Jacob, Esq., as Solicitor-General of Cape Colony, in the place of Sir John K. The appointee is a brother of Mr. N. Jacob of this city.

RUNAWAY.—Two horses broke away together in harness from a buggy yesterday, and had a neck and neck gallop down Fort street and through Broad street to Bowman's stables.

NO NEWS.—The telegraph wires being down this side of Portland we have no telegraph report to present to our readers to-day.

UNION RUMORS.—It is reported that a letter was received from London on Saturday which states that the Colonies will be united with Victoria as a Free Port and the Capital, and that a new Governor will be sent out.

MUTUAL LIFE INSURANCE COMPANY.—Mr. Frank Tarbell, of this city, has received the appointment of agent for this well known life insurance company in Vancouver Island, British Columbia and Washington Territory.

FOURTH OF JULY.—Celebrations will take place on the Fourth at Port Angeles and all the towns on the American side. At the last-named place Deputy U. S. Marshal J. C. Brown will, we understand, deliver an oration.

THE STEAMER SIERRA NEVADA LEFT ON Saturday evening, at 7 o'clock, for New Westminster, and will return to-morrow, leaving for San Francisco on the following day.

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Examined by Mr. Barnard—Did you tell the prisoner what you meant by legitimate means, I did; and in reply he said he would not take them. The liquor found on board was not there with my knowledge, or that of my crew, as I believe; they were not entered at the Custom House on my leaving Victoria yesterday morning. On our way to Port Angeles I was informed by the Engineer that he thought it his duty to acquaint me that he suspected spirits being brought into the ship. I inquired of the crew, I mean that portion of the crew on deck, not the firemen; they informed me that there was nothing of the kind on board the ship to their knowledge. I also visited the lower deck and found nothing; nothing further occurred until last night, when Mr. Barnard had left the ship, having wished me good bye, we were then at Bellingham Bay, this is the port we were destined for.

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Re-examined—I was in bed when he came on board at half past 11 to fetch his things; I was not awake many minutes after this; the defendant did not appear drunk.

George Neale—Half-an-hour after the liquors had been found last night I was talking on deck with the Engineer and Steward on the poop, when I heard a man come down the wharf and jump on board; I halted him and asked him who he was, he made no reply, I then walked forward and saw him forward of the windlass, I asked him what he wanted, he said that he had come

to look for a coat that one of the men, I presume he meant the passengers, had left behind him, he then passed on, went round by the fore-mast, and then on to the wharf, with no coat; he didn't find anything; he was looking out for it on the fore-castle; I don't know who the man was, he was a perfect stranger to me; I asked Booth that fireman, a man whom I thought there was most faith to be placed in if he had seen any one as he came down the wharf; he said yes, he had seen a man lurking round the coal cars, whom he supposed to be an Indian, and took no notice of him; he also told me in conversation, that on Thursday night, between 12 and 1 o'clock, when he went on board, the light in the fore-castle was out, and he had to light it before he could go to bed; Mr. Flood is one of the firemen; the light ought to have been burning; this statement is made in conjunction with that of Capt. Clarke; I can also confirm that one of the voices I heard last night about half-past 11 was the voice of the prisoner; I retired to bed about half-past three, and found the prisoner asleep in a blanket in the cabin; I have seen the prisoner now and then aboard the boat.

Cross-examined—On a previous occasion, coming from Nansaimo, prisoner was in the fore-castle; I am under the belief he had slept there.

Henry Wafford—I don't know any thing about this matter; I don't know any thing more than a child unborn about the liquor; I know I am on my oath; I know what the consequences of perjury are; I know the prisoner; I have no acquaintance at Bellingham Bay; I am aware that smuggled goods were found on board the Sir James Douglas; I know where they were found; I saw them taken up; I was on board the steamer Sir James Douglas twice the evening previous to her leaving Victoria, once a little before nine, and again at half-past nine; I was alone; I went down for some hog wash; I didn't take it; I went straight home; I told my wife I wanted some tobacco, as I should not have time to get it in the morning as we were going away so early; I took my clean blankets in a towel; as I went down I saw Moss coming off the wharf; the first time I came down was for the swill, I didn't take it away; I walked round the block with a neighbor; the block runs down Wharf street to Government street; I never drink liquor; I remember the captain giving instructions for no one to leave his berth; I took my clean blankets to make water; I saw you (Mr. B.) on deck; I didn't see your position about the ship; I have been to Lyons' house one or two times; he is a liquor dealer; he has been to Nansaimo with us; he was in the fore-castle yesterday morning; I was there; the fore-castle is always unlocked; any one could go down and put things on board; I was on board when a stoker was dismissed; he was sent away because he left the ship without orders from the captain; the captain made a regulation that one man should always remain on board; that regulation is still in force, the regulation has been broken contrary to the captain's orders and without his knowledge; I never saw the men to be off; the first night I had of the liquor was last night; I have not heard any of the men speaking about it; Mr. Evans, a next door neighbor of mine, was the person I was walking with; there was no person on board when I went on board; the night before we left for Bellingham Bay; Mr. Martin, one of the crew, came on board about nine o'clock; five minutes after, just before I left, I saw the engineer; the captain and mate had just jumped ashore; I was on board about a quarter of an hour altogether; the defendant was on board a little before nine; I went and spoke to him; he said he thought of taking a trip over to Bellingham Bay; he said he was going over to try and get a piece of land to set a grog shanty; I didn't see him bring any packages on board; I know of Captain Clarke having made a search for smuggled goods on the way to Port Angeles and before he was boarded by the revenue officer; it was made on the passage over; about half-past nine was the latest hour I saw the steward; it was on the wharf; this was Thursday evening in Victoria.

James McCulloch—Have been engineer since the 26th December last; I have known the prisoner about two years; not as a friend, only by sight; never had any conversation with him as to business; I heard a portion of the conversation between the captain and the prisoner; he asked the captain the fare to Bellingham Bay; the captain said \$8 would be a fair price; he could take certain things about liquors; if price of passage, he said, was a very small consideration, as he could make \$100; the captain said he must get a permit and have them passed through the custom house; the prisoner then dropped the matter.

Cross-examined—We were all conversing together; he didn't use the word smuggling; it was supposed there were a number of persons going by the ship; he may have meant them for them; I should think it was the intention of the prisoner to get the things through without passing them through the custom house; the subject then dropped; the prisoner stated that he had not thought about the custom house, or words to that effect; I know of liquors having been discovered on board; I knew nothing about the liquors until I saw them last night, and I did not know there was a trap-door in the fore-castle boarding; I expressed to the captain on the way from Victoria to Port Angeles that I was suspicious that there were smuggled goods on board; the steward expressed his suspicions to us that he had seen things going down the fore-castle of the ship the evening before; I don't know if it was clothing; he said he had been suspicious that things were going down that ought not to have gone down; he saw the things going down up to twelve o'clock; I did not state to the captain who I thought had put the things down; he (the steward) afterwards told me that Wafford was one of them.

Witness, recalled—I am certain that I saw Wafford with something in his hand; he took it from another and passed it down the fore-castle.

Peter, an Indian, examined through an interpreter, Nathaniel Clifford—I saw the case brought up on deck to-day; I didn't know what was in them; I saw the things below before they were taken up on deck; all the men told me they were there; I mean the men that were working on board; I know Wafford; have seen him in Victoria; I don't

know who put them on board the steamer I was ashore at Bellingham Bay; I went to see a Cloutchman; I didn't speak to Wafford there.

This closed the case for the prosecution. No evidence was called for the prisoner. Mr. Barnard then summed up the case, stating that the evidence he had adduced before the court was sufficient to prove that smuggled liquors had been found on board the Sir James Douglas, and as this court and counsel on both sides had agreed that the officers and crew of the ship had had nothing to do with secreting or passing the liquors on board, the court could but see from the evidence that all circumstances tended to show that the prisoner was the guilty party. He then went through the evidence, and asked the court to find the prisoner guilty.

Mr. Bagley then addressed the Court in a lengthy, able and eloquent manner on behalf of the prisoner, stating that there was no evidence to show that the prisoner was the party, and asked the Court to dismiss the charge.

The Honorable Commissioner in delivering his verdict, said that he had given the evidence his best attention, and could but come to the conclusion that the evidence given on behalf of the prosecution was not sufficient to convict the prisoner, who must therefore be discharged, but he must say that there was great suspicion against the prisoner. The trial commenced at half-past two o'clock and lasted until near ten.