Tuesday, July 26, 1864.

SUPREME COURT.

ion to to them here unnecessary.

The writ having been read by Mr. Green. ties to show that the commitment was not in proper form of law. The latter part of the warrant differed materially from the statutory form with reference to the retention of prishold more bythe gaoler, until "released in due form."

It in plain English and I will answer you."

It is poke to Mr. Scott after the sale was over that I had better sell this lot over again. He was well aware that it was advertised for sale given him. I told Dr. Powell that he might have the lot knocked down to have the lot knocked down to have the lot was knocked down to have th terially from the form laid down by Jarvis, which was acknowledged to give the utmost limits to the powers of Justices. No reason was given for the commitment, which was

due form of law." The writ of habeas corpu was the only proper form of law.

His Honor—That might mean by the gen-

eral gaol delivery.

Mr. McCreight—Certainly, he

be brought up as a criminal.
Attorney-General—I can't find one word about the forms you are quoting from in the 11th and 12th of Victoria. Mr. McCreight-Here is Jarvis.

don't know anything about criminal law I can't help it. You are not fit to be a "beak." Mr. Cary—You are not even fit to be a "beak's boy." Mr. Cary was here showing His Honor

Mr. McCreight-What are you saying to the Judge, Mr. Cary? Mr. Cary-I am saying that there are two

wrong one (laughter).

Mr. McCreight contended that he was right, and proceeded with his address, main taining that the warrant scarcely contained a form. The date of adjudication was not even stated, but only the date of the charge.

Mr. McC. then dwelt upon the question Mr. Harris, the committing magistrate, being a member of the Corporation, and said it was clearly laid down in Grant that a Judge who was interested could not sit or convict. The Judge in this case adjudges a purposes he appropriates and puts in his own pocket as a member of the corporation which receives and expends that money.

Mr. Cary bere applied for an adjourn-

Mr. McCreight—No, let the matter be disposed of now; my client has been a week in custody.

Mr. Cary—This is an important case, and will take some time. I will show you by-and by that the Statute only provides that two things shall be necessary, and that all you have been arguing upon goes for noth-

His Honor said be would release the pris ener on bail of two householders, of \$10 each, which was tendered, and the case was adjeurned to 2 p. m. to-dsy.

## SUPREME COURT.

(BEFORE CHIEF JUSTICE CAMERON AND A COM-WON JURY.)

Munro vs. Scott.—This was a suit to re-cover a sum of \$1,000, including \$300, money alleged to have been paid and advanced by the plaintiff, for the use of the defendant in liquidating an accommedation note, and for moneys received by defendant on account of real estate sold by him for

Mr. McCreight, instructed by Messre Pearkes and Green, appeared for the plaintiff, and Mr. Ring, instructed by Mr. Copland, for

M. Monro examined by Mr. McCreight-The lot on Vancouver street was put up by Daniel Scott; the reserve was \$400, but i

The Weekly Colonist. price if he (the witness) had to pay anything out for commission. Mr. Scott came over and said to me that he had told Dr. Powell at my house, telling me not to do so. that he (witness) had made over the property to him, and in order to avoid giving Dr. Powell the opportunity of saying that he (Scott) had told a lie he brought a paper consumit the next. The let was knocked down

arrest and imprisonment of Soulay have been made sufficiently public to render any allusion to to them here unnecessary.

The writ having been read by Mr. Green,

incorrect. My wife had two muslin dresses, tect his property.

and \$5 is credited Mr. Scott for them.

Mr. John Copland was called to prove

Selim Franklin sworn, -examined by shalf per cent. is the usual charge for pro-perty bought in, and five per cent. is the per cent. put on by the City Corporation is charged on real estate sales. In charging for

charge of one per cent, on amount of sales unable to agree, His Honor dismissed them. e, I think, a fair charge for advertising. Mr. Ring - Consider yourself severely cross-examined.

Mr. J. Barnett, sworn, -examined by M McCreight—This account was brought, I be-lieve, to Macdonald & Co.'s office by Mr. Scott's book-keeper; the bill was charged to an account of the real estate : I said I could not give him that! I did not wish to, as knew that he and Mr. Scott had had some difference about it, but I gave him an ac-

do in writing down the items; there was a pretty good sale. I don't recollect if Mr. Madre bid for the property or not. The muslim dresses which were charged to him, and objected to, were resold on his account, and he was credited with the amount which they realized. I don't recollect anything about the matter of \$100; I don't know if Mr. Scott and Mr. Muare had any conversation about it. Mr. Scott usually charged half per cent. on all sales of real estate, for city and colon-

ial tax. Resexamined by Mr. McCreight-two accounts handed to witness) -- This was made out by me about the beginning of May-(counsel: just about the time this suit was commenced). The second was written down by me, dictated by Mr. Scott.

Mr. McCreight-This closes the case fo Mr. Ring then addressed the Court, for th

lefendant, at some length. Dr. Powell, sworn-examined by Mr. Ring -I attended a sale of Mr. Scott of lande property; I bid for some, and one lot was knocked down to me. I abandoned the purwas knocked down to a man at, I think, chase of this property, because Munro would notice wagon loads of fine hay being down to Dr. Powell at \$3,000; I told the latter that he could not have the lot for that

SUPREME COURT.

[DEFORE CRIEF JUSTICE CAMERON AND A COMMON SURY.]

[DEFORE CRIEF JUSTICE CAMERON AND A COMMON SURY.]

Thursday, July 21st.

Bank British North America es. Dougal & Son.—This was an action instituted for the recovery of \$300 (stamed upon a promiser) note alleged to have been drawn by the late firm of Christian & Zadetaky in favor of and endorsed by the defendants.

Mr. Cary appeared for the plaintiff, the defendant in person.

The evidence of Mr. Shepperd, Mr. Culterwell, Mr. Barnett and Mr. Pratt was taken for the plaintiff, and various notes and papers: were handed in to the jury to prove the handwriting of the defendants.

For the defence it was alleged that the papers and papers were headed and that they were never indebted as alleged. The defendants and that they were never indebted as alleged. The defendant of the succession of the success of the defendants and that they were never indebted as alleged. The defendants were both examined in support of the plaintiff, and various notes and lapapers were handed up and after a short defendant and that they were never indebted as alleged. The defendant will be successed the jury to prove the handwriting of the defendants and that they were never indebted as alleged. The defendant will be successed the jury to prove the handwriting of the defendants and that they were never indebted as alleged. The defendants were both examined in support of the defendants and that they were never indebted as alleged. The defendant will be a success the jury the province of the defendant in the papers. The success of the jury to prove the handwriting of the defendant and they were never indebted as alleged. The defendant in the papers were never indebted as alleged. The defendant in the papers were indebted as alleged. The defendant in the papers were never indebted as alleged. The defendant in the papers were never indebted as alleged. The defendant in the pape Re Charles Soulay.—Mr. McCreight, instructed by Messrs. Pearkes & Green, applied for the discharge of the prisoner, who appeared in Court under a writ of habeas corpus issued from this Court and directed to the gaoler of the Victoria gaol:

The Attorney-General opposed the appli
The Attorney-General opposed the appli
The Attorney-General opposed the appli
The Attorney-General opposed to the prisoner, who applied to my account at the gaoler of the Victoria gaol:

The Attorney-General opposed the appli
The Attorney-General opposed to the prisoner, who applied to my account at the gaoler of the Victoria gaol

The writ having been read by Mr. Green, Mr. McCreight proceeded to address the Court. He grounded his application on defects which appeared on the face of the commitment. Mr. McC. here read the section of the Municipal by-law which imposed a penalty of £1 sterling for a breach of such section; the commitment was for \$5, not £1. He quoted Jarvis and other legal authorities to show that the commitment was not in large to Mr. Scott after the sale was over that I and better soll this lot over again. He The wording with respect to there being no sufficient distress he also argued differed materially from the form laid down by Jarvis, it. Mr. Scott wrote a letter to Dr. Powell amount I would take for my commission in

to him about | Cross-examined by Mr. McCreig

Examined by Mr. McCreight-I am a road that plaintiff bad signed a memorandum to contractor; I don't know much about real the effect that he he (the plaintiff) had sold estate business, or else I would not have the property to Dr. Powell, and that he would been caught in such a way as I was. arrange with Dr. Powell to get the \$3000 from him, and would see that the defendant McCreight .- I am an auctioneer. Two and was secured in his commission. The document was not produced.

Mr. Ring and Mr. McCreight addressed the charge for property sold; the tax of one half jury, and His Honor having sent the jury to consider their verdict, they retired for about an hour, when His Honor requested their atadvertisements we take the sum for the whole tendance in Court, and upon ascertaining day's advertisements and charge each party that the jury could not agree upon their verforms in Jarvis, and you are reading the wrong one (laughter).

Mr. McCreight contended that he was the modern and advertising the sale of this property for say 10 days would be about expounded the leading features in the case to the modern again retired. After second sale of James Bay property;) the the lapse of about an hour, the jury being still

> KOOTANAIS. - The Chronicle, in a characteristic effusion in yesterday's issue, running down the Kootanais mines, accuses us of having induced "deluded Caribooites' Mr. Munro's account, as he had a balance at the bank and was paid in that way by him.
>
> John Ross, sworn,—examined by Mr. McCreight—I was book keeper to Mr. D. Scott,
> (Some accounts were handed the witness.)
> These accounts are in my handwriting; I made them out from the sales book. Mr.
>
> Mr. Munro's account, as he had a balance at the riter claims and go to the new gold fields. The writer of the letter quoted says he arrived at the mines on the 3d of June, and our first news was published on the 15th of June, twelve days after the "deluded Caribooite" reached the diggings! We made them out from the sales book. Mr. to leave their claims and go to the new gold Munro came to the office and asked me for pride ourselves on laying the news before the public as soon as possible, but getting "ahead of time" in this manner we respectfully decline ! Our contemporary also distinctly intimates that the men left their count of the goods purchased by him; he said it was not correct.
>
> Cross-examined by Mr. Ring—I saw Mr.
>
> Walla-Walla! "Lokalitums" of the Munco at some of the sales: I cannot say if Chronicle is, we admit, usually an expert at he attended all of them. I had too much to doctoring up news to suit his purposes, but this time he has regularly "put his foot in it." We would recommend him next time he perpetrates such a number of enormous crams " to look a little more carefully to his facts and figures. Seriously, the conduct of our contemporary in regard to the Koota-nais mines is highly reprehensible; simply because his inordinate vanity has been hurt by being behind with the news, he delibe rately disparages the whole affair. Peris the country, rather than the Chronicle should be behind! seems to be the doctrine of our contemporary. Such contemptible jealousy

> > Two enterprising publicans of Ba larat are about to visit England, with a view to engage Sayers, King, and Heenan to go over to Victoria on a "starring" expedition The project comprises a tour through the colonies, the exhibition of these champions, and rehearsals of their celebrated battles.

cannot be too severely reprebated.

NEW Mown HAY .- It has been rather refreshing sight during the past week to notice wagon loads of fine hay being brought this than the prejudices which the noble Lord has so passionately cherished for thirty in from the outskirts of the town. The hay years that at last they have got the better o

ENGLISH POLICY IN CHINA.

Cobden and Bright have just made some interesting exposures of the results of the no more of action than is indicated in the British policy of intervention in China. The previous recital; five o'clock, the favorite subject of Chinese affairs came up for discussion in the Hanse of Commons on the 30th secred that the war-work of the day was May, and the debate continued for several over. Toward sunset the writer rode up to nours—the Times' report filling eleven long | Hancock's front, to learn closer at hand the columns. The attack upon the government adetails of the morning attack at this point, was so heavy that Lord Palmerston was put (But a parenthesis here; "ride" is hardly upon his defence, endeavoring, in a spacious the word to indicate the mode of approach facts cited by Cobden and Bright. What was speedily admonished by whizzing mis-these facts are, may be gathered from a few siles from sharp-eyed rebel tirailleurs of the

pany's monopoly of the Chine trade, our exports to that country were £1,074,000. In 1836, they were £1,326,000, which was the highest amount they reached while the trade was confined to Canton. The opium war occurred in 184, and by the peace of 1842, Shanghae and the other treaty ports were opened. For the following three years, there

China of cotton goods, which are really the chief article that we expert to that country, felk in two years from 243,000,000 to 45,000. 000 yards, or less than one-fifth. \* \* \* If you look back for the last thirty-five years, you will find that China is the only country that has disappointed you; that is, that the exports to China have not kept pace with the natural increase of your trade in other directwo and a half per cent. of your exports to China. If you run your eye over the table of exports, you will find that China stands only twelfth in the list of your foreign consumers

-that it stands even below Egypt.

Having cited these statistics, and enlarged upon them by illustration, Cobden continued: about this lot, and I signed it. I hold the deeds of the lots sold, they are in my safe teen muslin dresses, Mrs. Munro came to my wife and got her to choose two dresses for her not not the way to create it. I hope that "This is the moral—that it is not by bleed deeds of the lots sold, they are in my safe now, and I don't intend to part with them until now, and I don't intend to choose two dresses, Mrs. Munro came to drease it. I have now there are not not the way to create it. I hope that has shown a development of line equal to not not the way to create it. I have now have and the not not the way to create it. I have now have and the now in our own, and though the should this experience we shall now of the until now and I don't intend to choose two dresses, Mrs. Munro came it way to create it. I have now have and the now in our own, and though the shall now of the until now of the now of the now in the has shown a development of the way to create it. I have now have now have now now have no this sale. I stood to the first sale—(Account handed to witness)—I dispute this account, the item \$35 charged for muslin dresses, is incorrect. My wife had two muslin dresses. key in China, and if, in addition to meeting Russia and France, you are to meet the United States at Pekin; if you are to trouble yourselves and future generations with govern ing and controlling and intriguing in China, recollect that you have a country of vast ex-

tent and prodigious population to govern, and that you ought well to consider whether it is worth your while to incur all these risks, and enter upon this policy with the proofs that you have that you are not likely to do more trade with that country than with Brazil or Egypt." Bright denounced the whole policy of the English Government, declaring that it had been wrong for thirty years, and concluding

with the following severe censure on Palmera

"Here we are, a small island on the oppo-

site side of the globe, with a population so limited that wears told we have not an army that we could transport to Denmark, yet still we are somehow to take within our great ambition this vast empire of three or four hundred million persons; we are to influence the dynasty that shall sit on its throne; and. in point of fact, we are to direct the whole affairs of the country just as we should those of some small neighbor close to our shores. do not know how such an idea ever got into any man's head, but having once entered in, and having taken absolute possession of the noble viscount, I suppose at his time of life be cannot get rid of it. I protest against it, however, and the noble lord should take the advice recommended by several honorable members to-night of abstaining religiously from the slightest intermeddling between the two parties, of teaching—I will not say the merchants, but that other class which are not included in the list of British merchants— his escape, and mounting a fleet steed bore the namely, those rude and unprincipled adven-turers who abound in China, that it is not the Sheriff Sexton at Auburn. At once the Auturers who abound in China, that it is not the English army and navy should take any steps number, armed and equipped, were on their to defend them from whatever misfortune may way to the railroad. They then discovered, happen to them. It is a monstrous folly of course, a large party tearing up the rails. that the population of this country, so hard A fight ensued, in which considerable rough toiling and so suffering, in comparison with those who sit here, should be taxed year shot was fired, and the bullet passed through after year, as millions of them are taxed, to corry on a policy that for thirty years has In a contest between a Deputy Sheriff and a covered as with discredit, and which has man named Bovee, from San Francisco, the wholly failed, and that this policy should be carried on only to please the curious crotchet of the noble Lord at the head of the Govern ment—a crotchet which is not participated ment—a crotchet which is not participated in by a single member of his Cabinet, which this House is willing wholly to repudiate, and which I believe in every society in England where it is discussed feceives the condemnation that this House has passed on it to-night. I hope that when the noble Lord sees this entire failure of his plans and of his prophecies he will for once come to the conclusion that he is not infallible (a laugh), and that the united good sense and wisdom that springs from discussion, ought rather to govhis reason and his judgment."

A NIGHT ATTACK The hours of afternoon passed away with

seech, to explain away some of the hard to these hot fronts. He who ventured up paragraphs, which we copy below. Cobden prudence of dismounting and making his way said: or, still better, erawling on all fours.) It must have been nearly eight o'clock, for a In 1835, the first year of the open trade after the abolition of the East India Comlong Virginia twilight was fading clean out when from behind the rebel works words of command were audible, indicating an intention of immediate attack. In a moment the rebel line of battle emerged, and came down with a fierce yell on the front of Barlow's and Gibbon's division and the left of Wright's corps. It was these very troops was an increase in our exporte; in 1843, they that in the murning had gone through the were £1,456,000; in 1844, they were £2,305,4 inferno of rebel fire, and stormed and carried 000, in 1845, they were £2,394,000. From for a time, their works, and it was with sav-this point they declined, and for the next ten years they remained, with the exception of one or two spasmodic efforts at recovery, a little more than half the amount of 1845. In 1854, they tell to £1,000,716, being less, than in 1835, twenty research and the remained in the seconstant demands imposed upon it of assaultings the enemy's works when I say that in the few constants. in 1835, twenty years previously, when the trade was confined to China. Le 1860, there were 222,963,000 vards and in 1861, 243, 654,000 yards of colifon goods exported to China; that was during the time of excite- and never asks any better than that the rebells have all the time of excite- asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells and never asks any better than that the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than that the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebells have given us of receiving their attack on our works, each financial than the rebell have given us of receiving their attack on our works, each financial than the rebell have given us of receiving their attack on our works, each financial than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have given us of receiving the repear than the rebell have gi els should just come on. Our men had this sweet revenge. Though twilight had deepened into night, the approaching rebel line defined itself sharply athwart the horizon as it came over he crest, and as it did se it was met by volley after volley of musketry and a well directed artillery fire, under which it shook and staggered, but closing up the gaps still rushed forward. Portions of the line got up to our works, and at places the flash of the rebel rifles came over our parapets. A few even got upon our breastworks; but they either fell dead on the outside or were dragged inside as priseners. Some of these have just been brought into Gen. Hancock's tent. They prove to be North Carolinians; say they are Beauregard's troops; that they were tions. Last year your exports to China were last at the battle of Olustee, Florida; and that £3,800,000, your exports to the rest of the world, £146,000,000; so that you only send of a fact of which we have just had much of a fact of which we have just had much evidence : that is, that Lee has been fighting to-day his reinforcements. We have taken to-day men from Breckinridge's, command from Buckner's, from Beauregard's, from North Carolina, from the defences of Savan nah. And that, somehow or other, and in spite of the supposed depletion of the rebel army, Lee has been able to get together a

Union:

BAILROAD WAR IN CALIFORNIA .- A spicy

railroad war has prevailed for a week or

two in Placer county. The Folsom and Au-burn Railroad was sold at Sheriff's sale and purchased by J. P. Robinson. The work of taking up the rails was commenced for the purpose of relaying them between Folsom and Latrobe, El Dorado county. When about a mile of the road was torn up, Griffin, who has a granite quarry on the road, ap-plied for an injunction, alleging that he had invested heavily in opening his granite quarry, and that if the road was destroyed he would be greatly damaged. Other grounds were also alleged, and the injunction was granted by the Court. In a short time a party of men went to work and tore up the track and removed the rails regardless of the junction. Several very amusing contests ave ensued between the Sheriff's posse and the railroad men. At one time the Deputy Sheriff was holsted into the cars and run towards Folsom nolens volens. At another time a heavy force from San Francisco went up to tear up the rails, but the Sheriff's posse was strong, and the raidroad men were repulsed. Each the raidroad men were repulsed. party keeps a thick curtain of pickets on the ground, and each captures prisoners wherever practicable. The Sheriff has had eighteen and twenty prisoners at a time in jail at Auburn. On Saturday last the war became rather more tragic than hereintention of the English Government that the burn Grays were called out, and fifteen of the shot was fired, and the bullet passed through the ear of one of the railroad removal party. ing only about an inch or two. Sheriff Sexton was reinforced, and succeeded in taking about twenty prisoners, five of whom were Chinamen. We heard nothing from the seat Chinamen. of war as to yesterday's operations .- Sacra-

> GENERAL STEELE .- The only attempt at verse to be found in the rebel papers in Texas s the following:

mento Union.

General Frederick Steele came stealing along, Stealing our hoge and stealing our corn,
Stealing our sheep and stealing our cows,
And stealing the steel from off our plows,
Steal on General Steele; ere long you may fee!
The blighting effects of very cold steel.

VOL. 5.

THE RELLISH COTY

PUBLISHED BVSRY MORNI (Sundays Excepted.) AT VICTORIA, V.

TERMS: Annum, in advance, Magle Copies.

Advertisements in THE WEEKLY COLO

THE ASSIZES

BEFORE CHIEF JUSTICE CAMER THURSDAY, July Regina vs. Quarles .- This charged Wm. Quarles with under false pretences from Mr. Geo shank, the sum of \$900. Mr. Ring for the prisoner.

The following gentlemen comp jury: Isaac Foskay (foreman), John T George Creighton, Robert Layzell, Storey, Frederick Ford, John Bib Heal, John Crowther, Lewis Antho

Bagnall, William Brown. Attorney General Cary addressed to the following effect: This is simple case I have had to bring for simple case I have had to bring for is merely a case of obtaining mon false pretences. The prisoner havi sented that the value of goods conta pairs of blankets, and upon the ba opened they were found to contain a only about 100 single blankets. The which prisoner showed Mr. Cruicksh supposed to show the English cost. p charges, and by that invoice it was conted that the bales contained 3 ankets, and upon that represent

Gee. Cruickshank sworn, examin torney General-I remember in of January the prisoner applied to lorn of money on the security of th of blankets, each supposed to compairs; he showed me the English the application for the loan was through Mr. John S. Bishop, who ployed as a broker. The invoice Q a diamond, 3 bales of blankets pairs." It was upon this invoice prisoner obtained the money from n goods were in the Hudson Bay C and prisoner shewed me the ware ceipts (storage receipt produced).

of insurance was also signed over Mr. Ring at this time entered and took objection to the whole pr On account of his not being present Attorney General Cary - That's out it's no business of mine your present during the trial. You con The A torney General continue amination—I gave him a cheque of British Columbia for \$900, paya order (a note of hand produced); original note of Quarles'; when it instructions to sell the blankets for then it was that I discovered what really contained. I got the note of newed after it fell due. My induc-advancing the money was the po

the good-, which by the invoice worth \$1.500. Cross examined by Mr. Ring—T copy of the invoice made by M Bishop, he has since left th Quarles paid me no money on acco Dole, he paid me \$200 or genera The goods were examined by me after the money was advanced a Upon Mr. Wilkie representing st be something wrong about went to inspect the bales; grady opened when I saw them. Will made by Quarles to me sheral account, not in part paym notes of hand given by him. datement from my books to from

\$1 800 was due to me after the were made by the prisoner—a be by Mr. Ring to the witness. Attorney General Cary-I obje book being handedsto the witness.

Mr. Ring—Don't put yourself it excitement, you don't know wha

Cross examinatio continuedentry in myshook of any money rescent of the \$1,000 note of merely on a general running acc ice showed me was an exi large invoice of English goods. original invoice; it was an origi invoice. Any business person c the lace of the paper that it was harrish invoice. I was assure Quarter that the goods in store same as those represented in the i