

The Weekly British Colonist.

Tuesday, November 28, 1865.

THE NEWS.

The telegrams which we publish this morning give us intelligence from Europe to the 3d inst., and from New York to the 14th. The French army are at last to leave Mexico, the instalments of departures to commence immediately and end by August or September of next year. A most extraordinary conference of all the European powers has been convened for the purpose of "staying the progress of the cholera." The Ministerial arrangements, consequent on the death of Palmerston, have been, according to the London Times, completed with the exception of the Chancellor of the Duchy of Lancaster. The statements received by previous telegrams in connection with the Ministry have been confirmed, and we find that our surmise about Lord Russell and Clarendon has proved pretty nearly correct. The former is Premier, but not expected to maintain the position for any length of time, and the latter has been made Minister for Foreign Affairs. Gladstone has been making a speech at Glasgow in which he stated his implicit confidence in Earl Russell's desire for reform. It would appear from the London journals that the Ministry have some great reform measure in preparation. The war between Brazil and Paraguay would seem to be drawing to a close, the Uruguayan army having been captured by Brazil and her allies.

From the United States the news is interesting. Wirtz, the ruffian connected with the inhuman atrocities at Andersonville prison, has been hanged. The Fenian Senate has adjourned; having organized its financial and military machinery. It is to be called together again during the winter. The cholera in New York that was brought from Havre has not spread, and it is said that the disease has ceased. From various of the Southern States we find the President's reconstruction policy working badly; the disposition in many instances being evinced to perpetuate some kind of slavery, despite the constitutional amendment. The President has declared against granting any more pardons. From Canada we learn that a military movement has taken place to arm the frontier from anticipated Fenian raids. The Collector of New York, the Hon. Preston King, has, it is said, committed suicide, after having resigned his position. Deceased was one of the ablest men in America, had gone through all the grades from State Legislator for New York to representative in Congress, and then Senator. He acted for some time as confidential adviser of President Johnson. No motive is assigned for the melancholy act.

SUITS AGAINST THE ACTIVE.—Nov. 16th, 1865. United States vs. Peter Mackie, action for penalty for aiding and assisting in the transfer of goods from the Active to the Orizaba, under 28th section of revenue Act of 1879. Jury formed from regular panel, verdict for defendant. Court instructed the jury that no one but the master was absolutely liable for the penalty under this section, and that the defendant, being mate of the vessel was not liable for aiding and assisting in the transfer, unless he voluntarily and purposely did so, otherwise than in the discharge of his duties under the orders of the master. United States vs. Chas. Thorne, action for penalty of \$1,000 for unloading goods from the Active before arriving at Astoria, and in the Columbia river, under section 27 of revenue Act of 1879. Jury formed from regular panel. Verdict for plaintiff for the penalty of \$1,000. United States vs. Melville Ereskine, action for penalty as in the last case, the defendant, being mate of the Active—jury formed from regular panel. Verdict for the plaintiff for the penalty of \$1,000. In the cases of Thorne and Ereskine, there was no question of value before the jury as the statute fixes the amount of the penalty. Under the instructions of the court as to what constituted goods, wares and merchandise, and a coming to the proper place for discharge of cargo, the jury found these verdicts for the plaintiff without leaving their seats.—Oregonian.

THE "PACIFIC" OPIUM SMUGGLING CASE.—In the case of the United States vs. A. M. Burns, action for a penalty for omitting four trunks of opium from the manifest of the steamer Pacific on her voyage from Victoria to this port in February, 1865. The jury impaneled in this action were William Herron, William Aldridge, James Imbree, Arthur Warriner, H. G. Hadley, Thomas Stevens, Samuel Miller, Samuel T. Gosey, J. B. Elliott, G. M. Raymond, William Grey, and T. G. Naylor. The hearing of the evidence and the argument of the cause, occupied the day until after eight o'clock in the evening. The jury, after being out near an hour returned a verdict for the plaintiff, and assessed the value of the opium at \$5,445, which is the amount of the penalty against the defendant as fixed by law. Messrs. Mitchell & Dolph argued the cause for the plaintiff and Strong and Logan for the defendant.—Oregonian.

SAFE ARRIVAL OF THE CONSTITUTION.—We are informed by private telegram received in this city yesterday, that the steamship Constitution, about which there was considerable anxiety felt, has arrived safely at San Francisco. The press reporter makes no mention of the fact—it possibly being overlooked by him in his efforts to obtain the particulars of a dog fight.—Oregonian.

LOCAL INTELLIGENCE.

Tuesday, Nov. 21.

ARRIVAL OF THE TRIBUNE.—H.M.S. Tribune, Captain Lord Viscount Gifford, arrived in Esquimalt Harbor yesterday morning, at ten o'clock, from Panama, which place she left on the 5th September, calling at intermediate ports. Left Acapulco, October 20th, under steam, and before reaching the straits encountered a severe gale which continued for nine days. Her boilers being found out of order she could only steam a portion of the way. In the Straits of Fuca the Tribune experienced the full force of the easterly gale on Sunday, and put back, seeking refuge in San Juan harbor, opposite Cape Flattery, where she dropped anchor. During the night the wind shifted to S.W., and blew violently, leaving the ship exposed to the full sweep of the Pacific ocean. Two anchors were let go but she parted from both, and was fortunately able to work her way out of danger by keeping steam up.

QUEEN CHARLOTTE COAL MINING COMPANY (LIMITED).—At the extraordinary meeting of the shareholders in this company held yesterday at the Council Chambers, which was largely attended, the Board of Directors resigned, and the shareholders proceeded to the election of a fresh board, when the following gentlemen were elected:—James Moorhead, Esq., W. P. Sayward, Esq., Dr. Dickson, Dr. Ash, Wm. Redfern, Esq., Thos. Troncoe, Esq., M. W. Gibbs, Esq. After the consideration of various matters connected with the company the meeting was adjourned until 2 p.m. to-day.

A CARNIVOROUS QUADRUPED.—Mr. P. Medina was charged yesterday in the police court with suffering a savage dog to roam at large and endangering the limbs of the inhabitants. A little boy deposed to having been bitten by the animal, and Mr. Medina said that the dog was usually very quiet, but sooner than cause annoyance to anybody he would shoot twenty such animals if he had them. The case was remanded for three days to admit of an amicable settlement.

FROM NANAIMO.—The sloop Hamley, Capt. Patton, with one passenger and a cargo of coal, arrived last evening from Nanaimo. The ship Portlaw was to complete loading by Saturday last—and a message was sent here for a steamer to tow her down. The Russian steamer Alexandra II., the bark Florida, and another American vessel (Lottie Maria) were waiting to load coal. We have the Nanaimo Gazette of the 13th which, however, contains little of interest.

A NEW ROAD TO COWICHAN AND NANAIMO.—Mr. Titus, the road contractor, has left to survey a line for a new road to Cowichan and Nanaimo. We believe that Mr. Titus is of opinion that by skirting the waters of the Saanich Arm as nearly as possible a practicable level line of road may be laid out at no great outlay fit to drive a carriage up to the northern districts.

MAGISTRATE FOR COWICHAN.—We are pleased to learn that his Excellency the Governor has granted the prayer of the Cowichan settlers, presented through the senior member for the city, Mr. DeCosmos, and has conferred the commission of the peace on Mr. Morley of that settlement.

THE PRESBYTERIAN TREASURY.—The net proceeds of this meeting, we are informed, was \$600, being only \$70 less than that of the previous year. One lady alone collected from tickets and by donations the very large sum of \$244 75.

MAYOR FRANKLIN presided for the first time at the City Council meeting last night and conducted the business with tact and good taste. The proceedings were of a most pacific and orderly nature.

COAL.—The schooner Indian Maid and the sloop Hamley are discharging one hundred tons of Nanaimo coal for R. Brodick.

Wednesday, Nov. 22.

HORRIBLE DISCOVERY AT SAANICH.—Yesterday afternoon a man rushed into town to inform the authorities that he had discovered the dead body of Mr. Richard Smith, an old settler who resides a short distance off the Saanich road, between Swan Lake and the Royal Oak, lying on the trail leading to his house. The informant was highly excited and did not stop to make a careful examination, but said that he was walking on the trail and suddenly came upon the lifeless body of Mr. Smith, who had a severe wound on his head, by his side lay his horse also a corpse, and his wagon turned upside down, the presumption being that the unfortunate man upset the vehicle, killing himself and horse. Coroner Dickson gave directions for an investigation of the circumstances connected with the tragedy by a police officer who was at once despatched to the spot with instructions to summon a jury to attend the inquest to be held at Bayley's, Royal Oak Tavern, to-day at two o'clock.

MONSTER PETITIONS.—We learn that a petition is going around for signature praying the Home Government, in any scheme of union, to keep Victoria a free port, and the two colonies under different fiscal systems. We have not been able to learn much about either the details or the success of this sagacious movement, but from the secrecy with which the affair is enshrouded it has been intimated that it is one of the numerous schemes which the Fenians of Oregon have concocted for the annexation of these colonies. Be that as it may, however, the authors of the free port prayer are, we believe, getting up simultaneously another petition calling upon Mr. Cardwell to remove President Johnson from the ground that he is in favor of heavy import duties. We shall watch carefully the effects of these alarming documents on the mind of Downing Street.

SUPREME COURT—Anderson & Co. vs. Wallace.—This was a summons to have the bail bonds furnished by the defendant, Geo. Wallace, when arrested under a writ of *capias* at the instance of the above-named plaintiffs, given up to be cancelled. Mr. Ring, instructed by Mr. Bishop, appeared on behalf of Wallace; Mr. McCreight, instructed by Messrs. Drake & Jackson, for the plaintiffs. His Lordship, after hearing the affidavits of George Wallace, Warren Lambert, and Captain Torrens for the defendant, and those of Sebright Green, J. J. Kelly, J. D. Bell, and M. T. Johnson for the plaintiffs, stated that he was not satisfied that the present intention of the defendant was not to leave Vancouver Island, and dismissed the summons with costs.

SHIPPING MOVEMENTS.—The steamer Active is still detained by bad weather, and the Otter from the northern settlements, is overdue. The steamer Enterprise took to New Westminster yesterday morning a few passengers, and over 100 tons of freight. The sloop Hamley is on the berth for Nanaimo to sail on Saturday with passengers and freight.

ARRIVAL OF THE ELIZA ANDERSON.—The steamer Eliza Anderson, Captain Finch, with passengers and freight as per lists under the proper head, arrived last evening, having experienced very stormy weather in Puget Sound. She lay at anchor for twelve hours with two anchors down and steam up to provide against any emergency.

HUTCHINSON VS. CARSON.—This case—one of a series of cross actions between the parties—in which the plaintiff sues in an action of trover and debt for nearly \$1000, came up for argument yesterday before the Chief Justice, but was postponed in consequence of the non-arrival of the Eliza Anderson with necessary witnesses.

BURGLARY.—Joe, a Stekin Indian, was convicted yesterday in the Police Court of breaking into a house on Store street, with intention to steal, and was fined \$20, or two months in the chain-gang.

TRADES LICENSES.—Several cases for arrears of taxes were called on yesterday in the Police Court, and payment having been proved, the parties were ordered to pay the costs of summons.

A SUDDEN CHANGE.—The southeast gale, which continued to blow up till yesterday afternoon, suddenly veered round to the southwest, and blew fresh from that quarter, with occasional rain squalls.

APPLICATION FOR ADMISSION.—Mr. W. B. Aikman will apply to the Chief Justice to-day to be admitted and enrolled an attorney of the Supreme Court of this colony.

Thursday, Nov. 23.

THE THEATRE.—It was a gratifying sight to witness the response made by the people last night to the call upon their sympathies. To nineteen out of every twenty probably the object of their support is an entire stranger, but this is only another out of the many previous instances it has been our pleasing duty to record of the generous manner in which the citizens of Victoria will come forward to aid in a really charitable cause. Mr. Clark, the beneficiary, will not only be enabled with the proceeds of his benefit to proceed to his home, but he will carry with him the pleasing reflection that a kindly people, themselves laboring under unparalleled depression, sympathized with him in his troubles, and enabled him to have a benefit such as has not been witnessed for many a long day in this city. The performance commenced with Home's celebrated tragedy of "Douglas," in which Mr. Edward Buckley, as Young Norval, gained fresh laurels. This young actor improves every day, and fully realizes the favorable impression he made on his first appearance. The effective manner in which he rendered the final death scene elicited loud applause, which continued until he appeared before the curtain. Mrs. Macdonald, Mr. Ward, Mr. Phelps, and the other prominent characters, were well represented. The drama of "Ben Bolt" followed, Mr. Ward taking the part of Christian Comfort. Mrs. Phelps threw much life into the character of Mary, and nursed her *petites enfans* with motherly solicitude and *naivete*, while her worse half, Reuben (Mr. Torrence), excited much merriment by his drolleries. Mr. Phelps made an able and manly Ben Bolt, the sailor, and indeed the piece all through was represented with considerable spirit. The performance was under the patronage of his Excellency the Governor and members of the House of Assembly. The band of the Volunteer Rifle corps, under Mr. Haynes, were present and discoursed some good music. To-night Mr. Edward Buckley will expect a strong muster of his friends at his benefit, to witness his efforts in the splendid character of Claude Melnotte.

NOVELTIES FROM ENGLAND.—We were yesterday shown, at the London House, some magnificent photographic copies, mounted on card board and ready for framing, of engravings from celebrated pictures by Millais, Landseer, and Rosa Bonheur, such as "The light of the world," "Napoleon crossing the Alps," "Dignity and impudence," "Before and after the rescue," "Groups of cattle," etc. These pictures, which can be had at a very low price, are such near facsimiles of the original valuable engravings as to render close inspection necessary to discern the difference, and will be an ornament to any gentleman's room. Messrs. J. H. Turner & Co. have also unpacked an assortment of bonnets, ribbons, steel and pearl ornaments, and various other English and French goods, that would tempt the most scrupulously economic of wives.

THE SAANICH TRAGEDY.—Yesterday Coroner Dickson held an inquest, at the Royal Oak, South Saanich, on the body of Richard Smith, the unfortunate man, whose dead body was found the day before lying near his own house. A jury having been empaneled, with Mr. Von Almon as foreman, three witnesses were examined, from whose testimony it appeared that the deceased was last seen driving his wagon to his residence on Monday night, about 10 o'clock; he being more or less under the influence of liquor. The trail to the house is circuitous and uneven, abounding with fallen trees, and the supposition is that the unfortunate man punished his horse, a spirited animal, valued at about \$300, when the brute started off and came in contact with a log, against which the marks of the wheels were clearly to be traced. This, no doubt, caused the wagon to upset, and in turning over the wheel struck the chest of the deceased, crushing in the ribs and stopping the action of the heart. He had also a severe gash on the side of his head, and his jaw-bone was fractured. The shaft entered the abdomen of the horse, and the harness drew the head back, apparently breaking the creature's neck. The dead man and his horse lay where they fell until discovered the next day, by a neighbor. The jury having visited the scene of the accident, and heard the evidence of Dr. Ash, who made a *post mortem* examination, returned a verdict of "accidental death."

P. R.—Yesterday a bruising match, according to the rules of the prize ring, between a marine and a blue-jacket, belonging to H. M. S. Sutlej, both experts in the manly art, took place two miles from town on the Saanich road. Some forty of their comrades and about twenty citizens were present to witness the fight, which lasted for forty minutes, the blue-jacket at the twenty-second round being declared the victor. The marine was knocked down twenty-one times before the sponge was thrown up; but the belligerents left the field on the best of terms.

FOR ADMISSION.—Mr. Ring applied to the Chief Justice yesterday on behalf of Mr. H. B. W. Aikman to be admitted an Attorney of the Supreme Court of this colony. The application was opposed by Mr. Robt. Bishop, on the ground that Mr. Aikman should undergo an examination before admission. The matter was postponed until the next sitting of the Court.

SILVER.—We are indebted to Messrs. Deffis for specimens of silver ore from the Williams Creek Silver and Gold Mining Company's lead, and that of the Cherry Creek Silver and Gold Mining Co. The latter is very rich, assaying about \$2,000 to the ton. The specimens may be seen in our cabinet.

ACCIDENT.—We regret to learn that Sergt. Wilmer, of the police force, was yesterday thrown from his horse and sustained a fracture of his collar-bone. Dr. Dickson, who was called in and set the bone, informs us that the sufferer is doing well.

MACDONALD'S ESTATE.—The Chief Justice yesterday made a thorough investigation into the way in which this estate had been managed, and ordered that certain monies be refunded and paid into Court.

FOR NEW WESTMINSTER.—The steamer Enterprise arrived yesterday from Fraser River with 63 passengers. She encountered very severe weather on her passage up.

VICTORIA THEATRE MANAGEMENT.

TO THE EDITOR OF THE BRITISH COLONIST.—Sir: Will you allow me at this time, when the Press in conjunction with Mr. Ward are bewailing the lack of patronage bestowed upon the theatre, to call the attention of the public to the mean and illiberal conduct that still prevails in the management of that institution. Mr. Clark, the unfortunate man who received the benefit last night, called at my place of business and solicited me to buy a ticket, which I did. I went to the door, presented my ticket, and was refused admission on the ground of my color. Now it is a notorious fact that one of the prominent causes of the failure of the theatre as well as of other institutions in Victoria has been the direct insult offered to respectable colored people, and the violation of the principles of liberty and humanity dwelling in the breast of every true Briton, by refusing us admission. Sink the theatres to perdition and banish the management to fields more congenial to such barbarism, rather than let it be said that such a management is sustained at the sacrifice of humanity. This truly is a verification of the old adage that "the ruling passion is strong in death."

JOHN T. DUNLOP.

THE SHENANDOAH.—A rather improbable despatch is published in our news columns, announcing that the British squadron in the Pacific has been ordered to search for the above vessel and hand her over to the U. S. authorities, and in the event of resistance to sink her without quarter.

CAUGHT.—Jarvin J. Bush, one of the murderers of Sheriff Sullivan and Mr. J. P. Dennison, at the Cascades, in Oregon, in June, 1864, having returned from Mexico to Portland in the Sierra Nevada was recognized, apprehended, and held for trial.

THE MAIL STEAMERS.—The Sierra Nevada left San Francisco on the 11th and made the run to Portland in 76 hours. She was to leave again on the afternoon of the 18th. The Orizaba from Portland reached San Francisco on Thursday last.

The schooner Crosby reached Portland from Victoria on the 9th instant.

THE LATE PETITIONS.

TO THE EDITOR OF THE BRITISH COLONIST.—Sir:—As the organ of public opinion in this colony, I trust you will find place in your columns for a few remarks upon the petition heard before Chief Justice Needham on Thursday last, in re Francis. Although the petition affected Mr. Francis only the question raised is one of vast importance to a large number of property holders in this city. It is this:

Can a man, possessed of real property for two years and upwards, who performs all the duties entailed on him thereby, be absolutely debarred from exercising one of his inalienable rights—the right to vote? I submit he cannot. The proposition is repugnant to every principle of common law and I may add common sense, yet this was what the petition prayed, and its prayer was granted!

But how was this extraordinary decision obtained? Chief Justice Needham ruled at an early stage in the proceedings that the roll of '63 was antiquated and out of court, and also that the Corporation were bound by their Act of Incorporation to make an Assessment Roll between January and June of each year. Here was a dilemma. Had they done so? They had not. It is a notorious fact that the Corporation have uniformly neglected to make an assessment since 1863. How comes it then that the Town Clerk (Mr. Leigh) was able to produce in court a book which he stated upon oath was an Assessment Roll for the city of Victoria made between January and June last but would not swear to the exact time. Where did this book come from, and where is it gone to? If such a book is in existence it will be looked upon as a unique curiosity and draw immensely even in these dull times. But if it exists in Mr. Leigh's imagination only, and he albeit a public officer has allowed his zeal to outstrip his discretion, he has placed himself in a very awkward situation. The other objections urged in the petition hardly deserve notice, except it be to observe how deplorably humiliating it was to see a gentleman supposed to be learned in the law seriously propose to the Court that Mr. Francis was disqualified from holding any office under the Municipal Act because he had once been bankrupt, and the disqualifying clause cited that a bankrupt was ineligible. Shades of Westminster Hall and Coke upon Lyttleton! It is evident that the question of Francis' eligibility turned upon Leigh's testimony, and when he saw that his name was not upon the Assessment Roll of '64 and '65 Chief Justice Needham could do nothing but declare Francis ineligible. I may observe that if Mr. Francis' name had been upon this Roll, which the Corporation ought to have made, his qualification would have been amply sufficient.

I would fain close this communication without further comment did I not feel concerned to see Municipal institutions brought to such derision and contempt, and I sincerely hope something will be done by the Legislature to prevent our witnessing such a lamentable burlesque on our ancient and venerated charter.

I am, Sir,
Yours, &c.,
NEMO.

THE CASE OF CAPT. HILL.—We alluded briefly yesterday to the finding of the Court Martial in respect to the atrocious charges brought against this U. S. Volunteer Officer.

The following particulars from the *Oregonian* may not be uninteresting: "Major General McDowell has just made public the report of the court martial held for the last month for the trial of Captain John Hill, 6th California Volunteers. He was charged with murder, in finding the body of a dead Indian woman partially covered with stones, with a living child upon her breast, and ordering his men to scalp the dead woman and kill the living child by throwing it over a precipice and dashing its brains out with stones, which was done. Another specification charges him with conduct unbecoming an officer and a gentleman. The third charge was neglect of duty, and a fourth was of conduct prejudicial to good order and military discipline. The Court found the accused guilty of causing the death of the child, but acquitted him of malice aforethought with intent to commit murder or of smashing out the child's brains with stones. The accused accordingly is found guilty of manslaughter. On the second and fourth charges he is found guilty, and on the third not guilty. The Court, therefore, sentenced Captain Hill to be dismissed from the service of the United States, to forfeit all pay and allowances which are and may be come due, and to be imprisoned for the term of one calendar month at Alcatraz Island. General McDowell reviews the proceedings and findings, and severely censures the Court for inflicting so trifling a punishment for such a heinous crime. The General says it is believed that this is the only occasion when a person holding the honorable position of captain in the military service of the United States has been the party to the killing of a child, and among the files of bureau of military justice at Washington, where the proceedings in this Court are soon to find a place, it will, it is believed, stand alone as the most atrocious act on record committed by an officer. General McDowell therefore refuses to approve the action of the Court, although such refusal will not affect the action of the court."

BRIDGE RIVER DIGGINGS.—We have been favored with the sight of a letter written by an experienced miner and prospector who visited the Bridge River diggings, to a friend now in this city, which although of a rather ancient date (October 13th), gives an excellent account of these diggings. The writer is satisfied from the prospects he obtained that good wages can be made on some of the creeks. He also obtained very fair prospects in the benches, and the best proof of his opinion of the mines is the fact that he intends proceeding there as early as possible in the spring.

COASTING TRADE OF SAN FRANCISCO.—The annual report of the Harbor Master of San Francisco shows that there are now engaged in the bay and coasting trade of that place, five hundred and twenty-seven vessels, having an aggregate of six hundred and thirty thousand and twenty-four tons.

The Weekly

Tuesday, N

PRESIDENT

Every telegram only makes more assumed a few President Johnson, and we American journals fore strong support President are his sagacity in question we make justice to the rebellious States which they enjoy that it would. tious to the S bringing this pro tion. Florida h accession politico ture, and after in ity by speeches, tyranny upon th ing by an over war debt of the direct opposition North. In So are not on a m nature has lost n strives with m ical authorities a proclaimed the and the consti place the black the white man, able right to li happiness," b scribing to the in her Legislat freedmen, to p ing such weapo person who en This is not all o freedman an opp and the pursu shop, or if he o If he becomes a ing the written if, in fact, he to exercise th conferred upon manner only k which have be the negro as a All this lool rebels bowing that abolished titution and a erment are ju South Carolina nistic attitude other Souther enemy to recd slavery. The oaths of color Courts again with the thou all of which at the present fiction. It is t the Freedme many glaring State laws an the anarchy a the present p very latest tel as well as Lo Constitution, constitutional. The negro, b precluded fr man, either o debarred fro any court of coffin of the decreed that employment sold to labor This is th experiment— dented clemen even the mos not see that some very de to extract the loving States have said; b several of the of the laws. even to the elected in c placing one o But what k there in a States were they are no self-govern prives them scheme is a the Southern privileges the President not. If the President o Governor a ing; and if tion policy a has really b while the blood, into