

An Act to secure to Married Women certain Rights of Property.

[Assented to the 4th May, 1859.]

WHEREAS the law of Upper Canada relating to the property of married women is frequently productive of great injustice, and it is highly desirable that amendments should be made therein for the better protection of their rights; therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

1.—Every woman who shall marry after the passing of this Act without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her personal property, whether belonging to her before marriage, or acquired after marriage, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or disposition without her consent in full and ample manner as she could do if unmarried; any law, usage or custom to the contrary notwithstanding; provided that this clause shall not extend to any property received by a married woman from her husband during coverture.

2.—Every woman already married without any marriage contract or settlement, shall and may, from and after the passing of this Act, notwithstanding her coverture, have, hold and enjoy all her personal property not already reduced into the possession of her husband, whether belonging to her before marriage or acquired after marriage, and also all her personal earnings and any acquisitions therefrom not already reduced into the possession of her husband, free from his debts and obligations contracted after the passing of this Act, and from his control or disposition without her consent in full and ample manner as she could do if unmarried; any law, usage or custom to the contrary notwithstanding.

3.—Provided always that nothing herein contained shall be construed to protect the property of a married woman from seizure and sale on any execution against her husband for her torts and in such case, execution shall first be levied on her separate property.

4.—The interest acquired by marriage of a man in the real estate of his wife shall not, during her life, be subject to execution on any judgment against him.

5.—Every married woman having separate property whether real or personal, not settled by any ante nuptial contract made or debt incurred by property, in the same manner as if she was sole and unmarried.

6.—Every husband who takes any interest in the separate real or personal property of his wife, under any contract or settlement of marriage, shall be liable upon the contracts made or debts incurred by her before marriage to the extent or value of such interest only, and no more.

7.—Every married woman may make a devise or bequest of her separate property, real or personal, or of any rights therein, whether such property be acquired before or after marriage, or among her child or children in issue of any marriage, and failing there is any issue, then to her husband or as she may see fit in the same manner as if she were sole and unmarried; provided that such devise or bequest be executed in the presence of two or more witnesses, neither of whom shall be her husband and that her husband shall not be deprived by such devise or bequest of any right he may have acquired or be entitled to by law.

8.—A married woman shall not be liable to arrest either on mesne or final process.

9.—The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and children as the personal property of a husband dying intestate is or shall be distributed between his wife and children; and if there be no child or children living at the death of his wife or dying intestate, then such property shall pass or be distributed as if this Act had not been passed.

10.—In any action or proceeding at law or in equity by or against a married woman upon any contract made or debt incurred by her before marriage, her husband shall make a party to the action or proceeding, but if absent therefrom, the action or proceeding may go on for or against her alone; and in the declaration, bill or statement of the cause before marriage, and also that such a married woman has separate estate and the judge before whom the cause is tried shall make it his duty to see that such married woman shall be restored to her separate estate only, unless in any action or proceeding against her, in which her husband has been joined as a party any false plea or answer has been pleaded or put in, when the judgment or decree shall be in addition to recover against him the costs occasioned by such false plea or answer, as in ordinary cases.

11.—Nothing in this Act contained shall be construed to prevent any ante-nuptial settlement or contract being made in the same manner and with the same effect as such contract or settlement, any separate real or personal property of a married woman acquired either before or after marriage, and not coming under or being affected by such contract or settlement, shall be subject to the provisions of this Act in the same manner as if no such contract or settlement had been made; and as to such property, and her personal earnings and any acquisitions therefrom, such woman shall be considered as having married without any marriage contract or settlement.

12.—This Act shall apply only to Upper Canada.

An Act to amend the law enabling married Women to convey their Real Estate within Upper Canada.

[Assented to the 4th May 1859.]

WHEREAS it is expedient to amend the law enabling married women to convey their real estate within Upper Canada; by providing for cases in which informal or erroneous certificates have been issued upon Deeds conveying real estates executed by married women jointly with their husbands, as well as for cases in which such Deeds have been executed in presence of and certified in accordance therewith by non-resident Justices of the Peace, or in which certificates have been issued on such Deeds subsequent to the execution thereof; therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.—Whenever any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

2.—When any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

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4.—When any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

5.—When any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

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8.—When any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

9.—When any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

any Deeds executed by any married woman pursuant to the said first mentioned Act, shall have been heretofore given on any day subsequent to the execution of the said Deeds and certificates shall be deemed and taken to have been given on the day on which the said Deeds were executed; and such Deeds shall be as good and valid in law as if such certificates had been in fact signed on the day of the execution of the deed to which it relates as required by the said Act.

3.—In case any married woman seized of or entitled to real estate in Upper Canada and being of the age of twenty-one years has heretofore executed jointly with her husband, a Deed for the conveyance of the same such Deed shall be taken and considered as a valid conveyance of the land therein mentioned and the execution thereof shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the said land, although a certificate of her consent to be barred of her right of Dower and in such land, instead of a certificate of her consent to convey her estate in the same have been indorsed thereon.

4.—Whereas the requirements of the Act of the Parliament of the late Province of Upper Canada or of the Parliament of this Province of Canada, respecting the conveyance of real estate in Upper Canada by married women of a Deed of conveyance of real estate in Upper Canada then belonging to such married woman such execution shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the land intended to be conveyed, although the certificate indorsed on such Deed be not in strict conformity with the forms prescribed by the said Acts or any or either of them.

An Act to amend the Law of false Pretences.

[Assented to the 4th May, 1859.]

WHEREAS it is expedient to amend the law relating to false pretences: therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

1.—If any person shall by false pretence obtain the signature of any other person to any bill of exchange promissory note or any valuable security with intent to cheat or defraud every such offender shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of the Court; such imprisonment to be for a period less than two years.

COUNTY COUNCIL.

Perth, June 22, 1859.

The Council met this morning at 10 o'clock by adjournment from yesterday; the Roll was called and a full Council were present with the exception of J. C. Foster, Esq., Rev. of Smith's Falls.

The Warden took the Chair and the business proceeded.

The minutes of yesterday's proceedings were read, approved and signed by the Warden.

The following original communications were then read and submitted to the respective committees:

1.—An account from Charles Rice for printing for the Board of Public Instruction; an account for copying minutes of Council and Railway papers; a memorial from Robert Kellock, Junior; a memorial from certain inhabitants from the County of Renfrew, praying that certain Township in that County should be set apart to open up a road leading from Egglestonville to Perth; a memorial from the Township of Bromley for a grant of a sum of £250 to aid in building a Lock Up House at the Village of Otonabee in that Township.

Mr. Hickey gave notice that he would during the present session introduce a By-law for the purpose of separating the Townships of Renfrew and Griffith from the Townships of Grafton and Algona.

Mr. Shaw gave notice that he would introduce a By-law to levy a rate for school purposes for the year 1859.

Mr. Hickey gave notice that he would introduce a By-law for the purpose of levying a County Rate for the current year.

Mr. Shaw gave notice that he would introduce a By-law for the payment of any money that may be granted or allowed this session.

Mr. Smith (Bromley) gave notice that he would, at this session of Council, introduce a Resolution for the purpose of determining the time and place that the Board of the County of Renfrew shall meet within their own County; to determine by Resolution, the necessity of separation of Renfrew from Lanark; and to petition the Legislature to pass an Act for the purpose of separating the Counties as aforesaid and to fix and determine upon the County Town for the said County, &c.

Mr. McArthur gave notice that he would introduce a By-law for the regulating Auctioneers Licenses during the present session of Council.

Mr. McArthur gave notice that he would introduce a By-law for the appointment of a Local Superintendent for schools in the Township of Beckwith, in room of Rev. R. C. Watson, who has left the limits of these Counties under or being affected by such contract or settlement, shall be subject to the provisions of this Act in the same manner as if no such contract or settlement had been made; and as to such property, and her personal earnings and any acquisitions therefrom, such woman shall be considered as having married without any marriage contract or settlement.

12.—This Act shall apply only to Upper Canada.

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1.—Whenever any certificates on the back of any Deeds heretofore executed by any married woman, pursuant to the Act of the Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada in the second year of his late Majesty's reign, chapter six, has been signed by two Justices of the Peace such certificates shall be valid and effectual for all the purposes contained by said Act, although the said Justices were not at the time residents of the District or County in which such married woman at the time of the execution thereof resided.

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law to provide for the payment of certain sums of money, be now brought up and read a first time.

The By-law to provide for the payment of certain sums of money granted and allowed at this session, was then brought up and read a first time.

Mr. McArthur moved seconded by Mr. Houston, and resolved—That the By-law for the appointment of a Grammar School Trustee for the village of Pakenham, be now read a first time.

The By-law referred to was then read a first time.

Mr. McArthur moved seconded by Mr. Houston and resolved—That the By-law for confirming a By-law of the Municipal Council of the Township of Beckwith, passed the 17th day of January 1859, authorizing the exchange and sale of a part of roads between Lots 15 and 16 in the 4th concession of said Township, be now read a first time.

The By-law referred to was then read a first time.

Mr. Doran moved seconded by Mr. Shaw (Elmsley) and resolved—That the Warden be and he is hereby authorized to insert a Notice as required by law in the Canada Gazette and a newspaper in the County at the next sitting of the Legislature for the purpose of annexing the Townships of Palmerston, Cheltenham, Olden and Co., now in the County of Frontenac and the Township of North Crosby, in the County of Leeds to the County of Lanark.

The Yeas and nays were called for, and were as follows:—Yeas Messrs. Brown, Lowe, Lett, Wessley, Hickey, Galbraith, McArthur, Houston, W. R. Scott, McIntyre, Lee, Cumming, Dirvine, Guthrie, Gibbons, John Smith, Jameson Shaw, (Elmsley), Doran, Stanley, Carwell, Donald, Frisell, Scott (Pakenham), Grant—25.

Nays—Messrs. Knapp, Parns, Smith (Bromley), and McAdam—4.

Mr. McArthur moved, seconded by Mr. Galbraith, and resolved—That this Council do now proceed to ballot for a Committee for Railway matters—said Committee to consist of 7 members; and that the 24th Rule be suspended for that purpose.

The Council then proceeded to ballot and the following committee was appointed:—Messrs. Carwell, Donald, Galbraith, Hickey, McArthur, W. R. Scott and John Smith.

The Council then adjourned to 9 o'clock, a. m., to-morrow.

Perth, June 24, 1859.

The Council met this morning at 9 o'clock as per adjournment; The Roll was called a full Council—one member excepted—being present. The Warden took the Chair, and the business proceeded.

The minutes of yesterday's proceedings were read, approved by the Council, and signed by the Warden.

The following documents were read and referred to the respective Committees.

An account from the Messenger of Council; the petition of Solomon Devine, James Dyle and others, praying for the separation of the Townships of Petawawa, McKay, Schuchan, Wyke and Bolph, from the Township of Alice.

Mr. Cumming gave notice, that at the October session of this Council, he would introduce a By-law to separate the Township of South Sherbrooke from the Township of Bathurst, and to set apart as separate Municipalities.

Mr. Shaw (Elmsley) moved seconded by Mr. Doran, and resolved—That the By-law to levy a rate for Common School purposes for the year 1859, be now brought up and read a second time—short.

The By-law referred to was then read a second time.

Mr. Shaw (Elmsley) moved, seconded by Mr. Doran and resolved—That the By-law to levy a rate for Common School purposes for the year 1859, be now brought up and read a third time and passed; and that the 33rd Rule of this Council be now suspended for the purpose.

The By-law referred to was then read a third time and passed.

Mr. McArthur moved seconded by Mr. Scott (Pakenham) and resolved—That the By-law for the appointment of a Local Superintendent of Schools for the Township of Beckwith, and the appointment of a Grammar School Trustee for the village of Pakenham, be now read a second time—short.

The By-law referred to was then read a second time.

Mr. McArthur moved, seconded by Mr. Galbraith and resolved—That the By-law confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859 be now read a second time.

The By-law referred to was then read a second time.

Mr. John Smith gave notice that he would introduce a By-law to-morrow, for the purpose of attaching the Townships of Blithfield and Baginham from the Township of Baginham and establishing them as an independent municipality.

Mr. McArthur moved, seconded by Mr. Houston, and resolved—That the By-law governing Auctioneers in the United Counties of Lanark and Renfrew, be now read a first time.

The By-law referred to was then read a first time.

Mr. McArthur moved seconded by Mr. Scott (Lanark), and resolved—That the By-law for the appointment of a Local Superintendent of Schools for the Township of Beckwith and a Grammar School in the Village of Pakenham, be now read a third time short and passed.

The By-law referred to was then read a third time and passed.

Mr. McArthur moved seconded by Mr. McIntyre, and resolved—That the By-law for confirming a By-law of the Municipality of Beckwith passed the 17th day of December 1858, be now read a third time short and passed.

The By-law referred to was, then read a third time and passed.

Mr. McAdam moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

The above By-law was then read a third time and passed.

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The above By-law was then read a third time and passed.

Mr. McArthur moved, seconded by Mr. Lowe and resolved—That the By-law for confirming a By-law of the Municipality of the Township of Beckwith passed the 17th day of January 1859, be now read a third time and passed.

their reported bringing out of the value of \$25,000. We saw men who had been at the water and could do nothing. The Georgia company have been there some eight or ten months, and have prospected all over the country. They have, however, returned to their old diggings on Spanish Flat, near Auraria, making from a \$1 to \$150 per man per day, and representing to have been making much more. We saw men who had been in the North South and Middle Parks all winter and had made nothing; they could hardly find a prospect. Up to the tenth of May these (the Spanish Flat) were the best diggings that had been discovered in the region of Pike's Peak. I came to the conclusion that the whole thing was a humbug, that everything had been misrepresented, and that all the reports which had been written, were forgeries or falsehoods that the "spec" was got up with a view to induce people to come and prospect, and perhaps find diggings in which case they having been established, would make a handsome thing of it. It is not the fine farming country they would have us believe. To be sure there are valleys at the foot of the Rocky Mountains that are for till, but nine tenths of the land about there is but poorly adapted for farming. I concluded to come home. My idea is there may be diggings discovered in the West, but I do not think that they will ever be extensive enough to pay such an emigration as started for Pike's Peak this Spring. I see by the papers that they are finding rich deposits now, almost in the exact place where our boys went in the mountains. If that is so we have been unfortunate; but before I can believe it I must have proof of something more than hearsay. The gold I saw by Mr. Gardner is partly gathered with quicksilver and part is pure. You can distinguish the specimens very easily.

THE OVERLAND ROUTE—THE ROCKY MOUNTAINS CROSSED IN WINTER.

(From the St. Paul Pioneer.)

On the 26th of July last, a party consisting of J. L. Houck, J. W. Jones, J. E. Smith, E. Hind, Wm. J. Amesbury, I. R. Sanford, S. Schaffner, J. Palmer, and J. R. Sanford, left Fairbault, Rice county, for the gold mines of British Columbia. They arrived at Pembina, August 16th, and at Fort Gary, a distance of 251 miles from St. Paul, on the 19th of August. Here they traded their American stock for Indian ponies and Red River carts, they being better adapted for the route than American horses and wagons, and also laid in a bountiful supply of pemican and dried meat.

The party then left Fort Gary for Fort Ellier, where they arrived on September 4th; they reached Fort Union, Hills, September 24th; Carlton House, September 23rd; and Fort Pitt, a distance of 800 miles from Gary, on October 3rd.

In regard to the remainder of the journey, we quote from the Dallas, Oregon Herald, a brief synopsis of the journal of Mr. J. W. Jones, formerly clerk in the land office at Chaffin, and furnished to that Journal by Mr. Jones.

The character of the country is low and marshy, interspersed with fresh and salt water lakes—timber plenty, consisting of small growth of poppies, Balm of Gilead and willow. The last camps we saw were on Appelle River, near Fort Ellice—game scarce—Indians friendly.

At Fort Pitt, we were joined by Brewster and Gibson, of Minnesota. On the 4th of snow fell to the depth of four inches. Finding it impossible to follow the trail, we struck a due west course and as we proceeded the trail of the Indians of the Saskatchewan District, on the 17th October, distance from Fort Pitt 200 miles—buffalo, elk, deer, and antelope plenty—character of the country unchanged.

At Edmonton we were advised not to cross at Boat Encampment, as we would have to abandon our animals at that point, and furthermore we would have no trail to follow, consequently we determined to cross at Sinclair's Pass and strike for Colville Valley.

At this point we disposed of our coats for pack saddles. Hind, Brewster, and Sanford concluded to remain. J. J. Hall, and G. W. Hodgson, of Manitoba, Mining joined our party. Having procured a half breed guide named Bassette, and got everything in readiness, we started on the 20th. About ten days from Edmonton, we came in sight of the snow covered summit of the Rocky Mountains. At Red Deer River, the guide left us, under the pressure of going to the hunt. Before leaving he showed us Sinclair's Gap. Thinking that the trail we were then following was leading us too far south we abandoned the trail and struck across the country for the Gap. Within one day's march of the mountains we came across some Assiniboin Indians, from whom we procured a guide.

We entered the mountains on the 2nd of November, and on the 10th we came out, all thought at the time, and the guide left us according to agreement, but returned the next day to our surprise. We now skirted the mountains for several days and again entered the mountains at the Kootenai Pass, about the 20th. Upon crossing one peak, and after we had descended into the valley, the guide left us to go through the best way we could.

We followed the trail about half way up and lost it, owing to the depth of snow getting deeper and deeper as we ascended; and upon the summit we encountered snow about twenty feet deep. We searched for a trail but could find nothing that indicated one. Finding a place where we could descend, we thought, with safety, we started, but soon found our mistake, man and horse were nervous themselves for the terrible slide before them, never shall we forget our rapid descent; we lost two horses before we got to the bottom. About noon the next day we came across a well beaten trail and no snow, we were stopped at short intervals for the horses to pick a little, as they had eaten nothing for five days. Having recruited somewhat, we started and arrived at the Kootenai trading post, on Tobacco plains, on the 22nd of December.

From Mr. Linklater, the master of the post, we learned our whereabouts, and where we had crossed the mountains, fire conducted here, leaving Gibson in charge of Mr. Linklater. Gibson's feet having frozen to that extent as to preclude all possibility of travelling. Having procured some provisions from the Indians we started for Colville. On arriving at the second crossing of the Kootenai River, we found it impossible to proceed any further, but with the horses, as the snow was too deep, holding a consultation, we concluded to remain and the other four would go ahead on snow shoes; accordingly I, Amesbury, Wm. Amesbury, J. J. Hall, and C. W. Hodgson, started for Colville; after suffering a great deal of privation they finally reached a camp of Indians on the Spoken River, (having lost themselves), in a starved condition; they were kindly kept for four days, and a guide sent them to Colville.

The fire that consumed the trail, was conducted to remain and the other four would go ahead on snow shoes; accordingly I, Amesbury, Wm. Amesbury, J. J. Hall, and C. W. Hodgson, started for Colville; after suffering a great deal of privation they finally reached a camp of Indians on the Spoken River, (having lost themselves), in a starved condition; they were kindly kept for four days, and a guide sent them to Colville.

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