

**Special Pleading.**  
As a specimen of special pleading, the letter of the Acting Colonial Secretary to the Surveyor General on the subject of the Grouse Creek difficulty is the best we remember to have read; and had it emanated from the feed counsel for the Canadian Company and been read before a jury, we have not the slightest doubt that it would have influenced them to return a verdict for his clients without leaving the box. It is a splendid effort on behalf of the Canadian Company—a grand appeal to the public (who are the jury) to “deal gently with the erring” doves who flew to arms to resist the due execution of the law, as well as a strong defence of the Governor’s course in “arranging” the difficulty without bloodshed. Under other circumstances (say after the Surveyor General, who has been constituted arbitrator, has rendered his judgment) an explanation of the kind would have been excusable; but with the case in its present stage, the publication of the letter appears to us to be a very grave and improper proceeding. What would be thought if even a perfectly unprejudiced person (which Mr Young is not) were to induce a letter to the Judge of the Supreme Court upon the subject of an important case that was to come before him on the following day, in which letter he undertook to bring out all the strong points of one side of the case, and all the weak points of the other? Mr Young stands in just this position before the Colony to-day. Mr Trutch has got to try this Grouse Creek case upon its merits, and before he goes upon the bench he is put in possession of the opinion of the Governor upon the very points on which he is elected to find! This special pleading is more worthy the paid counsel of the Canadians than the chief executive officer of the Colony. It is an *ex parte* statement, and as such its publication is a gross act of injustice to the Flume Company, whose interests appear to have been lost sight of by the Government throughout the whole of this most discreditable affair. Mr Young lays great stress upon the fact that when the Governor reached William Creek he insisted that the Canadian Company should do three things before they could expect a rehearing—viz., hand the disputed ground over to the Government, surrender the men guilty of contempt, and give up the gold already taken from the claim. Let us see how far these conditions were complied with. The ground and the persons were surrendered, but the gold remains in the hands of the Canadians; and the Governor, notwithstanding this fact, proceeds to insure them a rehearing. Mr Young in his letter regrets that “when the Canadian Company submitted to the directions of the Governor and agree to hand over treasure, claim and persons; no corresponding conciliation on the part of the Flume Company enabled him (the Governor) to effect an amiable arrangement.” The agents of the Flume Company on William Creek are made responsible by Mr Young for the violation of one of the conditions; and the question that naturally arises is this: If the refusal of the agents of the Flume Company to consent to arbitration was sufficient to upset one of the three conditions, was it not tantamount to upsetting all? Another fact lost sight of by Mr Young is that the directors of the Flume Company—the only persons competent to consent to an arbitration—were in Victoria; their agents on the creek were bound to proceed in accordance with previous instructions received by telegraph, and could not consent to any fresh overture without consulting their principals below, who were ignorant of what was passing on the creek. The refusal of these agents is very dexterously offered as an excuse for his Excellency not enforcing his conditions; but the absurdity of that excuse will be seen upon reference to the 9th clause of Mr Young’s letter, wherein it is stated expressly that the violated condition is one that his Excellency himself exacted—not one that the Flume Company demanded. It is his Excellency, therefore, who has receded from his “ultimatum,” and Mr Young’s letter, if it proves anything, proves that the money should have been paid into the hands of the Government before any arbitration was insured. The Flume Company had neither “lot nor part” in making the conditions; yet rather than acknowledge his weakness and inability to enforce his own proposition, blame is cast by the Governor upon the Flume Company. The extraordinary course of the Governor in promising to reduce the term of imprisonment from three months to two days of the trespassers is thus ingeni-

ously explained: “The day was passing, and from the position of the Government buildings the Governor was necessarily mixed up with the crowd which had collected around.” \* \* \* So the Governor expressed the opinion that those who had been sentenced should go to jail, and that the proper course would be for the people, if they thought fit, to petition the Governor on their behalf.” The petition followed and the imprisonment was reduced to two days as before stated. This explanation is precisely in keeping with our opinion as expressed when the news was received by telegraph. We stated then that the Governor, while “mixed up with the crowd,” had made a “dishonourable peace,” and that the men had been “coaxed into jail” by a promise of commutation. Mr Young’s letter confirms us in the opinion then expressed, that the majesty of the law has been violated with impunity, and the dignity of the gubernatorial position lowered by his Excellency’s want of backbone in the midst of a trying crisis, when a little self-possession and decision of character would have saved him from offering such humiliating terms as those to which he acceded and then failed to enforce. The remainder of the letter deals with facts connected with the conflicting decisions of Messrs. Spalding and Ball, extracts from the memorial of the Canadian Company, the Governor’s telegrams, Judge Bugbie’s letter to the “boys,” etc., all of which possess no particular interest now. Indeed, had we not conceived it our duty to expose the Jesuitical attempt made to throw the onus of the failure of his Excellency to enforce his own terms upon the Flume Company, and the evident object of the letter to influence and bias the mind of the gentleman who is to sit in judgment on the case by telling him in almost as many words that the Flume Company were wicked, grasping fellows, and that the Canadian Company had been imposed upon and had acted like pet lambs throughout, we should have contented ourselves with publishing the letter without comment. As it is, the whole matter has been referred to Mr Trutch, who, we believe, in spite of the letter of instructions, will discharge his duty without “fear, favor or affection.” Both parties have consented to accept his decision as final, and we take leave of this most disagreeable case for the present by entering our protest against the establishment of a precedent that allows any man who has been worsted in a lawsuit to resist *vi et armis* the execution of a mandate of the tribunal to which he has appealed.

**Thursday, August 29th.**  
**ANOTHER DEFECT.**—The short piece of telegraph cable between San Juan and Lopez Islands is again working badly, and it is feared that another fugitive stroke of lightning has damaged it to such an extent as to render the laying of a new length necessary. Parties are out now endeavoring to ascertain the precise locality of the injury. In consequence of this interruption, scarcely any messages have been received at or sent from the Victoria office during the past few days. It is proposed by the company, while the repairs are being made, to receive messages from below at the station on Lopez Island and send them across to San Juan in a canoe, whence they may be transmitted by wire to Victoria; messages from Victoria will be received at the San Juan office and taken across to Lopez Island, whence they may be dispatched below. The distance between the islands named is only three-quarters of a mile.

The Police have arrested a man named Hughes upon suspicion that he is a deserter from the British Garrison on San Juan Island. It is said that Hughes deserted several years ago and enlisted in the American army; that in course of time he was sent back to the island as a member of the American garrison, when he was recognized by Capt. Bazilegate and claimed by him. A court-martial was held upon the man by the American officers, who decided not to give him up to our military authorities, but, having convicted him of stealing, sentenced him to a term of imprisonment in the fort at Steilacoom, W. T., whence he effected his escape last week, and arriving here Monday, literally “walked into the British lion’s mouth yesterday.” He will be examined to-day. It is proved that the man in custody is really the person he is supposed to be, he will be held by our authorities.

**MECHANIC’S INSTITUTE.**—A number of valuable and useful works have lately been presented to this institution by Mr William Earl, per favor of Mr W O Warder. Among others may be mentioned, “Chever’s Wanderings of a Pilgrim in the Shadow of Mount Blanc;” “A Career in the Commons;” “Cassell’s Works of Eminent Masters;” “Cassell’s Illustrated Exhibitor;” 1852 and 1853, 3 vols; “Cassell’s Illustrated Magazine of Arts;” 3 vols; “Working Man’s Friend;” 6 vols; “Culpepper’s Complete Herbal;” 2 vols; “Dictionary of Useful Information;” 2 vols; “Imperial Lexicon;” 2 vols; “The Life of Wesley;” “Centenary of Methodism;” “Frederick’s Earth;” Mr. Alton has also presented “Macfie’s Work on Vancouver Island and British Columbia;” and “Kingsley’s Yeast.”

**THE AID’S CARGO.**—The cargo of the bark Aid is all ended. A part of the iron and steel is somewhat damaged, together with a few packages of other goods, which will be sold by auction.

**BOAT RACE.**—An interesting aquatic race came off last evening in the harbor. The men of the Tyne and Phantom, with four around Deadman’s Island and back. The Phantom’s crew were Good Templars. Whether the cold-water proclivities of the rowers had anything to do with the result we are unable to state, but it is quite certain that Phantom took the lead from the start and maintained it throughout, coming in winner by at least 600 feet, and accomplishing the distance in 17 min. 7 sec.

**THE GAS.**—A paper has been numerous signed by store-keepers and house-holders, who are moving for a reduction in the gas rates. The subscribers bind themselves not to burn gas after a certain date unless a considerable reduction be made by the Company. The movement is a good one, and we trust it will meet with favorable consideration at the hands of the Company, who, we think, will study their own interests by acquiescing in the very reasonable demand of their customers.

**AMATEUR NAVAL THEATRICALS.**—On board the flag-ship last evening a performance was given by the Amateur Theatrical Company, assisted by the Marsh troupe. A great many persons from the city were present, and the entertainment passed off most pleasantly and successfully. We reserve further remarks until to-morrow.

**THE ARBITRATION.**—It is understood that Mr Trutch, Surveyor General, has left Westminster for Cariboo to sit as arbitrator in the Grouse Creek Flume case. The ground will be surveyed by Mr Trutch, and evidence taken as to the old boundaries and the position of the stakes.

**THE WEATHER.**—The thermometer on Tuesday stood at 117° Fahrenheit in the sun; yesterday it reached 76° in the shade. The warm weather is just the thing for the harvesters, and late fruit is ripening rapidly.

**ROAD COMMISSION.**—A meeting of the Road Commissioners of Victoria District is called for by the Chairman for Saturday next the 31st inst, to be held at the Land Office, James’ Bay.

**GOVERNOR’S REVIEW OF THE FIREMEN.**—At the request of His Excellency the review of the Fire Department will not take place until Tuesday next, at 5½ o’clock, at Government Buildings.

**PROMPTLY PAID.**—Sproat & Co yesterday handed to Mr McTearan \$600, for which amount his building was insured in the Royal Office.

The firemen, upon their return from Government buildings, on Tuesday next, will be reviewed in front of the Town Hall, by the Mayor and City Council.

**DUE.**—The ship Byzantium, from London, with Government stores and about 40 tons of freight for Victoria, is fully due here.

The ship Siles Greenman still lies at anchor in Royal Roads, awaiting orders from San Francisco as to her repair.

**THE FIDELITY.**—This steamer sailed from Portland for Victoria yesterday.

**Reply to “Layman.”**  
EDITORS COLONIST:—To prevent further misconception, let me say that an anonymous writer in your issue of the 26th inst. makes statements contrary to fact. He asserts that the rules of the Wesleyan Church compel me to bury any one dying under any circumstances under pain of dismissal from the Ministry of said church. I affirm that there is no such rule in existence, and that the penalty so positively stated is consequently as complete a fabrication as the “rule,” I buried Captain Swanson’s child in the exercise of my own ministerial discretion, and should have counted my manhood cheap if I had refused to do so even if dismissal stared me in the face as it did the respected clergymen of the Episcopal Church. I have only written this finding that my silence was being misconstrued, and am heartily sorry to be compelled to prove the advocate of a denomination guilty of ignorant misstatements, or, in fact, to notice an anonymous writer at all.  
A. BROWNING.

**Maximilian.**  
We add a few details concerning this unhappy Prince, gleaned from our latest Eastern files:

**SIGNIFICANT REPLY OF MAXIMILIAN.**  
The following question was put to Maximilian during the trial: “Are you willing to admit that you are responsible for all the strife that occurred in Mexico since the evacuation of the country by the French?”

“No,” he answered: “Juarez is responsible for it all. After the departure of the French I sent a message to Juarez and proposed to him to proclaim a general amnesty and to grant a full pardon to all who had been identified with me and the Imperial cause. Juarez refused this, and I had no course left but to remain and to do all in my power to protect a large proportion of the Mexican people.”

**MAXIMILIAN IN PRISON.**  
A letter from Queretaro says: “A stranger might search Queretaro over for the Convent of the Caguachina and fail to find it. By successive spoiliations and breakings up it has long since lost all traces of conventual appearance. Once it may have been, and probably was, a stately building of great extent and imposing exterior. Now nothing remains but a row of disjointed houses of eccentric architectural development. In one of the most comfortable of these Maximilian and his generals are confined. They have been relieved from *comunidad*, the solitary confinement and double guard, which in this country usually precede execution, and are allowed, under certain restrictions, to see civilian friends. The number of their visitors is few—few indeed. If the ex-Emperor was not previously undecieved as to the extent of the affection which evil counsellors always assured him the Mexican people bore towards him, he is so now. None of the Mexicans who fawned on and flattered him in prosperous days come to see him now; none but foreigners care sufficiently for his fate to risk Liberal displeasure by inquiring after him.”

**A GLIMPSE AT THE CAPTIVE.**  
Of all the reverses which the proud house of Hapsburg has of late experienced this is the saddest and the worst. A scion of that imperial stock shut up in a six-by-nine dungeon, and compelled to ask his life at the hands of a Mexican Indian, who possibly never knew his father, speaks no tongue but his own, and has absolutely no idea of the divine right of kings and emperors. Maximilian’s chief companion is Prince Salm Salm, so well remembered in the Army of the Cumberland, and who proved himself during the siege one of the best and bravest officers in the Imperial service. Together they sit and play *carte*, or discuss with vivid interest, not their own probable fate but the politics of Germany and America. With all the vicissitudes of his fortune the Archduke loses none of his warm sympathy for the United States. Everything American has a strange fascination for him. He listens to Prince Salm-Salm’s reminiscences of the great war with rapt attention; and hearing the story of Chickamanga, Atlanta and Vicksburg, often expresses his longing to visit the scenes of such memorable events. Then, the subject changing, German politics will come upon the carpet, and Maximilian, with grave, deprecatory face, will bemoan the short-sightedness and reactionary tendencies of his brother, the Austrian Emperor, advancing statements on his own part broad and liberal enough for any Fourth of July oration. A strange picture, is it not? Maximilian, tall and erect still, his blue eyes kindling, and his great blonde beard quivering with excitement, while Salm Salm, from whose eye the inevitable eye glass has fallen in the earnestness of the moment, speaks of some of the leading episodes of the American war, and with the modesty of true bravery claims for himself only a spectator’s part in the actions he so vividly describes. A Mexican dungeon encircles them the while, and a court martial composed, they say, of three Captains and a Lieutenant-Colonel, only waits the word of long-eared Escobedo, the ex-mule driver, to condemn them to death.

**The Interior of the House of Commons.**  
[From the London Times.]  
Considering how many hours a hard working member of the House has to spend without its walls, it is wonderful to what inconveniences he must submit. The Treasury bench is not nearly large enough to accommodate the Members of the Government, and it is not at all uncommon to see them wedged so tightly that they are almost sitting on each other’s knees. There is no means of writing within the House—no desk or table, except the ventilating machine which interposes between the two sides. The gangways are crowded with members sitting on the floor because they cannot find places. The approach round the Speaker’s chair is exceedingly narrow, and generally blocked up by members standing so as to interrupt ingress or egress. The bar is crowded in a similar way, so that it is difficult either to get into the House or out of it. In this case of overcrowding and discomfort do members remain hour after hour. If luxury has found its way into the drawing-room and the club, a Spartan contempt for comfort and propriety reigns still paramount in the House of Commons. Nor is this all. The room built expressly for carrying on the debates on which depend the destiny of a nation and an empire, is one of the very worst acoustic machines that can possibly be contrived. The low ceiling, which was put up hurriedly under the first very natural feeling of disappointment, the wainscoted wall, the overhanging galleries, the carved work, the absence of any flat surface, all serve to deaden and absorb sound. The merit of the room is negative; there is no echo. But as a place for speaking this is the only credit it deserves. The floor is a mere grating, covered with matting; the voice accordingly wanders away into the catacombs below; and the speaker, who naturally pitches his voice to fill the room which he sees, has really to fill a much larger apartment. The exertion of speaking in a crowded House of Commons, although it is purposely contracted so as only to hold two-thirds of its members, is said to be very great; so that, after all the sacrifices of comfort that have been incurred to make it small, it has the disadvantages of a room very much larger than it appears to be. This is the best

that three millions and a half of money and the labours of twenty years have made of the House of Commons. We suppose that these inconveniences will be tolerated for a while, but we do not doubt that a time will come when the patience of the Legislature will be exhausted, and they will claim to perform their duties in a chamber in some degree suited to the conveniences of those who are called upon to make such heavy sacrifices in the public service. The inconvenience was more endurable during the quiet reign of Lord Palmerston, but in the present stormy times, when the whole strength of the two parties is constantly in requisition, it is all but intolerable. Indeed, it well deserves consideration whether something might not be done to provide a room capable of holding the deliberative body for whose use it was intended. It does not seem an unreasonable demand that the public should find a seat for a man who has made so many sacrifices to obtain one, and provide rooms reasonably adapted for the carrying on of its own business. But such is the state into which the most practical people in the world have got matters that a proposal to increase the number of the House would have more difficulty in surmounting physical than moral obstacles, and Scotland has more to fear from the architecture of the House of Commons than from the rival claims of England and Ireland.

**HOW CARLYLE DESCRIBES A STREET.**—In the new volume of the “History of Frederick II. of Prussia,” the daring feat of the taking of Glogau is vividly told in Carlyle’s own style—“Glogau has ramparts, due ring-fence, palisaded and repaired by Wallis; inside of this is an old town-wall, which will need patrolling: three are about 1,000 men under Wallis, and altogether on the works, not to count a mortar or two, fifty-eight big guns. The reader must conceive a poor town under blockade, in the wintry night-time, with its tough Count Wallis; ill off for the necessities of life; town shrouded in darkness and creeping quietly to its bed. This on the one hand; and on the other hand, Prussian battalions marching up, at 10 o’clock or later, with the utmost softness of step; taking post behind the ordinary field-watches; and at length, all standing ranked, in the inviolable dark; silent, like machinery, like a sleeping avalanche: Hush!—No sentry from the walls dreams of such a thing. ‘Twelve!’ sings out the steeple of Glogau; and in grim whisper the word is, ‘Vorwarts!’ and the three-winged avalanche is in motion. They reach their glacis, their ditches, covered ways, covered as mathematics; tear out chevaux-de-frise, how down palisades, in the given number of minutes! Swift, ye Regiment’s carpenters; smite your butt! Four cannon shot do now boom out upon them; which go high over their heads, little dreaming how close at hand they are. The glacis is thirty feet high, of stiff slope, and slippery with frost: no matter, the avalanche, led on by Leopold in person, by Margraf Karl the King’s Cousin, by Adjutant Golz and the chief personages, rushes up with strange impetus; hews down a second palisade; surges in;—Wallis’s sentry exclaims, driven to their main guard. There is a singular fire in the besieging party. For example, four grenadiers—I think of this first column, which succeeded sooner, certainly of the Regiment Glaserapp,—four grenadiers, owing to slippiness or other accidents, in climbing the glacis, had fallen a few steps behind the general body; and, on getting to the top, took the wrong course, and rushed along rightward instead of leftward. Rightward, the first thing they come upon is a mass of Austrians still ranked in arms; fifty-two men, as it turned out, with their Captain over them. Slight scuttles ensues on the part of the four grenadiers; but they gave one another the hint, and dashed forward: ‘Prisoners!’ asked they sternly, as if all Prussia had been at their rear. The fifty-two, in the darkness, in the danger and alarm, answer ‘Yes.’—File arms, then! Three of the grenadiers stand to see that the fourth runs off for force, and the scud of the fourth runs off before the comedy had become tragic for his comrades. ‘I must make the acquaintance of these four men,’ writes Frederick, on hearing of it; and he did reward them by present, by promotion to serjeanty (to ensanguine one of them), or what else they were fit for. Grenadiers of Glaserapp; these are the men Frederick heard swearing in under his window, one memorable morning, when he burst into tears! At half-past twelve, the ramparts, on all sides, are ours.”

**A MUNICIPAL BLAST AGAINST TOBACCO CHEWING.**—The following proclamation of the Mayor of Utica is published in the papers of that city:

**MAYOR’S OFFICE, UTICA, June 26, 1867.**  
It has been represented to me by various persons that it is nearly impossible for ladies to walk in the evening on Genesee street, without finding on their arrival home that their dresses are spotted and besmeared by filth ejected from the foul mouth of some one who uses tobacco. How anyone having the slightest sense of decency, far less propriety, can do such a disreputable and dishonourable act, passes the comprehension of every right-thinking person. The practice must be stopped; and it is hoped that the police will be instructed to be vigilant in relation to this matter, so that the perpetrators of this nasty practice may be apprehended and summarily and severely punished for their reprehensible conduct.

**CHAS. S. WILSON, Mayor.**

**BRUNN’S BRANCH.**—Good and cheap selected Clothing, Hats and Gentlemen’s Furnishing Goods, stock and prices to suit the present times, at J. BRUNN & Co.’s, Yates street, Victoria, opposite the Bank of British North America. au24 1m\*

**Free Education and its**  
Yesterday in reporting view of the educational with the Governor, we against the continuance system of Education.” ment was not strictly clergy did not send a pe Governor; but the Bish bia did address a letter lency in which his Lords an unfavorable opinion system. Feeling that ever ing the well-being and of our present system is of interest, we her Bishop’s letter in full:

**VICTORIA, August**  
MY DEAR SIR.—In the put of a recent interview granted cency to the Board of Ed reference in the editor, ad tain inhabitants of Victoria, the Government schools, on absence of religious instruction ported to have expressed y with the explanation of the fessed to have given opportu instruction. On behalf of the Church of England, I feel t quaint your Excellency that to assist the public education in Christian prin instruction in those parents who children of those parents who it, but that the Board, in reply cation, having appointed the children for that purpose, and taching to religious teaching deprivation, we were obliged arrangement a virtual denial tunity the School Act had therefore true, both that there instruction in the schools, and facilities have ever been afford advantage. It is much to be the benefit of the public grant should be limited in this part to only a small portion of the believe I am correct in saying there are at this time about European parents in the vari Vancouver Island, yet not abo actual attendance in those pr public expense a fact revealing considerable want of confidence in system, and its expensive man If the proposal of your Ex carried out, my belief is that th be a smaller burden upon the p better paid teachers, more ef and more general satisfaction.

I am, your Excellency Very faithfully G C His Excellency Governor Sey

The first Board of we believe, laid it d rule that religious should only be imparted hours or during recess; w Lordship very correctly converts instruction th into a “penalty.” But this be remembered, was pass a body that has since (acco Governor) deceased. T Board was reconstructed of the old material wit dition of new; and to knowledge the new organ never been applied to by of Columbia or by any of laity, or by any of the cler of the Catholic church, tation of the rule. Had an of the kind been made there is liberality enough in of Education to have conce adoption of some plan wi children of each denomina have received during schoo different days, in a privat room attached to the schoo religious instruction from of their own persuasion; b the clergymen of any det to visit the schools and in children of Jews, Catholics lians or Dissenters in the tenets, would be asking a that would not, under a stances, we hope, be allo Bishop’s complaint “that of the public grant of educa be limited in this part of the only a small portion of the in and that out of “about sev children of European pater various schools of Vancouver not above two hundred and f actual attendance in those the public expense,” is not with facts. The Bishop not aware that out of “sev children,” of European extrac Island, at least 300 are of so age that it would be an act folly to send them to any sc that of the remaining 400, no 250 (according to his figures) were in regular sance on the schools under the Board, thus leaving children to attend the Collegia and the St. Ann’s and Angel Again, His Lordship says there considerable want of confide present system.” Let us more to “facts and figures” whether or not this remark able. About two months public were appealed to on