

The Weekly Colonist.

Tuesday, April 19, 1864.

OUR LONDON LETTER.

LONDON, Feb. 13th, 1864.

THE DANISH DIFFICULTY.

When I mailed my last correspondence I had reason to hope that the Danes would be strong enough to retard the onward progress of their Austrian and Prussian invaders. With undaunted courage and resolute tenacity they had long held their own; they had thrashed back armies on each point where the attack had been made upon them and made the little town of Missunde once more memorable for the tenacity with which they held its various sources of defence. Although the numbers of the Austrian and Prussian forces were as three to one, there is little doubt that the good fortune which attended the opening of the campaign would have been continued had not a much more formidable adversary than either Austrian or Prussian very suddenly returned—first—against which it was utterly impossible for a mere handful, by comparison, of gallant men to make head, inasmuch as the roadways, River Schlei and the canals being congested the transit of the enemy's artillery, in which they are very strong, was at once rendered practicable. The Danish Command-in-Chief at once gave the order to retreat to the Dannewerke, where it was fully expected a stand would be made, and the advance of the invaders eventually checked. To the surprise of Europe and indignation of the Danish people no halt was made at this barrier; the enemy went on, rapid in their pursuit to allow of the works being effectually manned, and as the weakest portion towards the sea would at once have been turned, there was no help for it but that the brave little army should hasten onwards to a safer spot of the territory, although by doing so they effectually evacuated Schleswig and gave their opponents a fearful advantage over them. Failing back, therefore, as rapidly as possible upon Duppel, the enemy in full pursuit, they managed to occupy the line at that place and to pass a considerable number of their warlike forces over to the island of Alsens, which, being strongly defended, gave them a chance of escape from total annihilation, a purpose which the Austrian and Prussian commanders seemed determined to accomplish. Within the last four and twenty hours, however, the front has suddenly broken up as it forthrightly set in, and there are not a few here who anticipate that the enemy, removed to a very great distance from their base of operations and means of commissariat, may find themselves involved in imminent danger. If they are again attacked, and are entangled in the midst of the marshy ground, over which it will now not be so easy to pass a body of armed men as it was, when in the triumph of inflicting a defeat upon the Danes by means of overwhelming forces, they carried all before them. It is not extraordinary, therefore, that the next news is waited for with much importance, and should it be to the effect that the Danes are once more successful, there will be general rejoicing on all hands. The whole affair is indeed upon a point where by all classes of society, so much in which our hearts rather than courage predominates on the part of the Austrians and Prussians. But for overwhelming numbers they would have had no chance against the brave and devoted little army they attacked. If, therefore, national feeling does not on the side of the oppressed, the very act of the big fellows plopping into the little ones, because they seem to have no friends, would induce such a result.

But why does Denmark seem to have no friends? This is the constant inquiry on all hands, and the Palmerston Government is placed in the not very enviable position of endeavoring to account for the decision by England of so old and national an ally as Denmark in the hour of peril on any grounds but the true one. There is no reason why I should conceal the cause, nor openly talked of and discussed, not only in every circle here, but through all Europe; and I am sorry to say, that cause is tending to make one we ought on all grounds to love, honor and esteem, unpopular. The Queen is most anxious to war. In this miserable affair, her eldest daughter's husband and her son's wife's father are pitted against each other, and a tendency of feeling, on her part, is rather with the former than the latter. Mr. Menzies, M. P., for King's County, plainly stated this the other evening in the House of Commons, and but that he is a man of very little influence, much more would have been made of his assertion. As it was, however, there was no denial given by any of the members of the government, on account of which some sensation was occasioned. This sensation, indeed, for the division in the Cabinet, to which I referred in a former communication on a division, which is anything but healed, though it has been partially patched up, simply because of the desire not to wound the feeling of the Queen, or to go contrary to her wishes. Of the adherents to Her Majesty's desire to keep out of the embroilment, which her son-in-law's papa and Herroin Bismark, his unscrupulous minister, have helped most effectually to complicate, Earl Granville is the chief, having gathered to his side all the peace-at-all-prices members, who were admitted when the Cabinet was formed, to secure the adhesion of Messrs. Bright & Oxborn, with their Manchester following. Lord Palmerston and Earl Russell take a directly opposite view, and would six weeks ago, at least have ordered up the North Sea fleet to Kiel, had they not been overruled by their own lieutenants. Thus the continued meetings of the cabinet to which I called attention a fortnight ago, are fully accounted for, and from such a cause Lord Palmerston's shifting answers to questions almost nightly put to him in the House may be explained. In the meanwhile Austria and Prussia, but especially the latter, are becoming more and more insolent, and do not attempt to deny the intention, of which they are accused, of partitioning Schleswig, notwithstanding their unwavering invasion is still denominated by themselves, as nothing more than a means for obtaining a guarantee from Denmark, that every thing is to be done which the King only asked time to be permitted to do. Another point raised is the Treaty of London of 1862 being torn to shreds, although

Lord Palmerston and Earl Russell still pretend that it is impossible it can be abrogated, and this too, in the very teeth of the statements of Prussian official journals, that war would be commenced. Austria, however, has not yet gone to this length, but still retains, or rather makes a show of, some sense of what is due to good faith, and to her own position as one of the leading powers of Europe. It must not be forgotten, however, that she is bound hand and foot to Prussia, and therefore, that there is every prospect of her being at length scorched by the fire that her crafty ally has lighted for the purpose of reaching the German Confederation; but by which she herself may ere long be burned to a very cinder. That Confederation is engaged beyond measure at the work in Denmark having been taken out of its hands, and I have very little doubt that in my next letter I shall have to tell you that preparations for war between the minor States with Austria and Prussia, which is on the eve of breaking out, have been begun. Symptoms tending this way are already apparent, and if this should be, as through the length and breadth of Germany cannot be denied, and, whenever this shall be, the Rhine will speedily become once more the frontier of France, for which consummation of his wishes Louis Napoleon is evidently on the alert, since an army of observation for the Eastern district is already being in that quarter concentrated.

The foreign intelligence of the last week is so all absorbing that I have dwelt upon it at greater length than usual, but I must not forget that "home matters" have quite as great an interest for your readers.

HOME MATTERS.

It will doubtless be heard with quite as much pain on your side as it has been on this that it is not Her Majesty's intention to enter upon any of her public duties during the coming season. The reason assigned for this great and national disappointment is that her health is not strong enough to exertion which appearing in public would occasion. The Royal physicians have endorsed this excuse as valid; yet a painful feeling is rapidly growing in all directions, and especially amongst the retail tradesmen of the West End, that seasons of mourning being prolonged, and that the longer they last so much the more difficult will it be to end them, and to resume duties which, being witnessed, give so much pleasure to loyal and affectionate subjects. Had Her Majesty only made an effort to open Parliament last week in person, her appearance would have been hailed with enthusiasm, and the notice that she will hereafter hold no levees or drawing rooms this year, but that the Prince and Princess of Wales will not for her, would not have been murmured at, as there is no denying it is now the case. It is said that the Prince and Princess are at present at home, and doubtless will be generally to yourselves abroad, to know that mentally Her Majesty is as strong, vigorous, and keen as she has ever been, and that there is not the slightest foundation whatever for a rumor often put in circulation, that she is ill in respect of failing. The Court is still at Osborne, but will, in a day or two remove to Windsor, and about Easter a visit is to be paid to Balmoral. An autumnal trip to Scarborough is also spoken of, but that must depend upon the turn events may take during the next few months in Germany.

THE PRINCESS OF WALES.

The Princess of Wales is perfectly recovered, and with the Prince and the Duke of Cambridge, whom your lady readers will be delighted to hear, is a charming little healthy fellow, left town on the 11th for a fortnight's stay at St. Leonards, after which they will return to Frogmore, and come to town for the leaves, which are fixed for March 2nd and 3rd. As far as the Prince himself is concerned, a good piece of fortune has just fallen out to him, by the discovery of a rich vein of iron stone running through about 500 acres of his Sandringham (Norfolk) estate. Congratulations will all on all hands be accorded to him, for all that he does or says he wins the good opinion and respect of the public.

ESSAYS AND REVIEWS.

The long-pending controversy connected with the notorious "Essays and Reviews" was terminated on the 8th inst., by a reversal of the sentence pronounced by Dr. Lushington in the Court of Arches, against the Rev. Archdeacon Williams, and the Rev. Mr. Wilson. The two Archbishops dissented from the judgment, but the Bishop of London gave in his adherence to the opinion of the Lord Chancellor, and the other lay members of the Privy Council, who carried a majority in favor of the suspended essays. That the matter is settled appears to give general satisfaction, and much is expected (may there be no disappointment,) from the Commission, to which several eminent persons in church have been appointed to consider and determine whether it is possible to widen the terms of clerical subscription. The desire for an extension of the home Episcopate has received a great blow and heavy discouragement during the week, by Sir George Grey's positive refusal to entertain the memorial of the Upper House of Convocation for division of the see of Exeter, on its next avoidance, it being proposed that Cornwall should be cut off from that see on the ground that Her Majesty's Government do not intend to recommend any further increase of the English Episcopate. This is looked upon as a quiet hint to Convocation.

ALEXANDRIA CASE.

The Alexandria case has had a singular and unexpected break down. You all remember that it was referred from the Court of Exchequer to the hearing of the judges of the other law courts, because of the opinion of the Barons who tried it on the Attorney-General's appeal being equally divided. Upon opening the case on the 6th inst., Sir H. Cairns took exception to the jurisdiction of the court, and the judges, having considered the objection, decided by four to three that it was fatal. An appeal now lies to the House of Lords, where the case will be carried, and time saved by this defeat of the Government.

THE MALT TAX.

A modification of the Malt Tax has been proposed by the Chancellor of the Exchequer, and a Bill has been introduced to amend it, so the farmers may henceforth use spoiled or ill-grown barley for fattening cattle, provided it is mixed with a proportion of live-

seed so as to prevent its use for brewing purposes. The measure has been well received by the country members, but the members of the Anti-Malt Tax Association have resolved not to relax in their exertions to obtain a total refusal of the impost.

BANK OF ENGLAND.

On the 11th inst. the Bank of England Directors suddenly lowered the rate of discount to 7 per cent., as they had raised it a week or two since to 8 per cent. By the telegram I enclose you will see that the banks of Russia and Frankfurt have immediately followed suit.

NEW ZEALAND, CHINA, AND INDIA.

The New Zealand, China, Japan, and India news, as you have probably found already, comes in much more favorable terms. In the first and last places, the war has by this time terminated, whilst in the other two Empires hopes of conciliation and pacification are more positive than they have been for many months past. But for the anxiety that foreign affairs continue to give rise, there would, however, be little just now of an unsatisfactory peace being declared by this mail. A general quietude prevails, so that those who are satisfied with nothing else than constant excitement would perhaps say "there is nothing stirring but stagnation!"

THE FALL RACES.

Admiral Rous' Decision.

On the 17th December last a communication was sent to the Editor of *Bell's Life*, in London, furnishing particulars of the race disputed between the horses "Sir James Douglas" and "Jim." The circumstances are fresh in the recollection of most of our readers. Mr. Keenan's horse, Sir James Douglas, beat Mayor Harris' Jim the first heat, and Mr. Keenan claimed that Jim had been distanced; but there was no distance judge and, moreover, the distance post was alleged to have been moved without authority. Sir James, therefore, started in the second heat under protest, "Jim" came in first, but it was declared a false start. Sir James was thereupon withdrawn, and in the third and fourth heats Jim walked over the course. The steward, or referee, subsequently awarded the stakes to Mr. Keenan. The present decision of the great sporting authority upsets that award.

"In order that these 'knotty points' should be satisfactorily adjudicated, we submitted the above statement to Admiral Rous, and affix his decision thereon:—

TO THE EDITOR OF BELL'S LIFE IN LONDON.

Feb. 10, 1864.

DEAR SIR: With reference to the Vancouver racing dispute I beg to inform Mr. Justice that no horse can be distanced except by the award of an official person, standing by the distance post with a flag, to give the signal from the winning side. When the leading horse has past the post. Therefore, "Jim" was not distanced in the first heat. In running for the second heat there was no result, because the starter declared it to be a false start, and in the absence of an assistant starter testimony cannot be disputed, and his decision is final. This nominal second heat must be ignored. Jim.....2 1 1 Sir J. Douglas.....1 drawn

Again, with reference to the bet of 100 to 20 on the second heat, it became "play or pay" when the starter called upon the riders to take their places for the second heat according to Rule 15 in Betting. The owner of Sir J. Douglas, therefore, loses 100. I beg to suggest to my brother sportsmen in Vancouver to place their distance post exactly 240 yards from the winning post, when the race is run to the distance, and to have a flag. If bets are run for above distances the stewards can place a temporary distance post to correspond with the length of the course. They will likewise very soon appreciate the value of an assistant starter. I am, dear sir, yours truly, H. J. ROUS, ADMIRAL.

LICENSING COURT.

BEFORE A. F. PEMBERTON AND LEWIS VERNET, ESQs., J. P.

THE REGIMENTAL HUSBAND.

Mr. McCreight appeared to support the application of Mr. R. E. Thomas, for a license to sell spirits. He said that there appeared to be no valid objection which could possibly be raised against the granting of this license. The only one which had been urged could never be maintained. Mr. Smith could not compel Mr. Tremont to make concessions to the public any more than any other publican could force his landlord to make similar concessions; there could not be one law for Smith and another for other publicans. The same reason that applied to Smith would apply to others, and he was not aware that any tenant could compel his landlord to give up 40 feet to the public, and who had incurred considerable expense in building the approach to his wharf. He could not, therefore, conceive how any objection could be either offered or entertained by the bench to granting a license to Mr. Smith, against whose character not a word had been said, and who had incurred considerable expense in providing a House, which was admitted to be a necessity, and acknowledged to be the best house in Esquimaux, offering accommodation to travellers which no other house can afford. Mr. Williams had a house, but he could only afford a limited accommodation.

Mr. Williams—I have plenty of room. Mr. McCreight—But you could not probably accommodate several hundred persons. Mr. McCreight concluded by expressing his inability to discover that real ground for refusal, and urging upon the bench to grant the license.

Mr. Cary rose to reply. Mr. McCreight—Does the learned Attorney-General appear ex officio? Mr. Cary—No, I do not. Mr. McCreight—Then whom do you represent?

Mr. Cary—I represent Mr. Williams; I must ask the Court not to allow me to be interrupted.

Mr. Pemberton said that Mr. Cary had as yet said nothing.

Mr. McCreight—I never heard of an Attorney-General in any other colony opposing a license.

Mr. Cary was allowed to proceed. He commented on the application, and added that he had not a right to oppose this license. He, however, entered into the question as it affected a public right of way. It was not attempted to be stated that any other public-house did interfere with a public right of way. The bench had been produced to show the ground for opposition, and therefore the argument of Mr. McCreight did not bear any logical conclusion. The application had been refused from time to time, and he hoped that it had been refused the Court would now finally reject it. With Mr. Smith's character he had nothing whatever to do.

Mr. McCreight—it will not be finally rejected here.

Mr. Cary—Let the Court reject it and you can then take it where you please.

Mr. McCreight said—The matter should be decided upon evidence. Mr. Cary had produced none, but he (Mr. McCreight) would call Mr. Tiedeman and Mr. Gastineau, two engineers, to disprove any assertion as to right of way.

Mr. Cary—I object; no engineer can possibly prove your case. Mr. McCreight urged upon the Court to receive the evidence, and commented upon the interference of the Attorney-General, which he said produced confusion. The Court held that they could not entertain a question of law, and asked Mr. McCreight whether any deed was to be produced securing the right of way to the public? Mr. McCreight said Mr. Tremont could not be expected to cede 40 feet of his property to the public, and destroy his right of way to his own premises.

Mr. Bishop made a few remarks with reference to what took place at the last sitting. Chief Justice said the question was not what was said at last meeting, but the Court had to re-consider the application upon the production of a deed, that was forthcoming. Mr. McCreight again observed that the public house in question encroached upon the public street, Mr. Williams and his friends had a right to pull down what encroached. If he (Mr. McCreight) chose to build a house across a street, any person might go and pull it down, but that in no way affected the question of a license. He then commented on the impropriety of the deed referred to having to be submitted to the Attorney-General, who was the paid advocate of the opponents.

Mr. Pemberton said the bench had no right to settle a point of law as they were asked to do.

Mr. McCreight—No, your worship, I do not ask you to do anything of the kind. I merely ask you to grant a license. Mr. McCreight continued to show that no evidence [by which alone they were to be guided] had been advanced to show that they were not entitled to what they asked for.

Mr. Pemberton said the bench had done their best to smooth away the difficulties. It was to be executed which was to be submitted to the proper authorities. The bench would have to submit the deed to Mr. Cary as Attorney-General, but they did not think it would be prudent to entertain the present application as a map produced showed that a right of way did exist. They therefore refused the application.

Mr. Bishop tendered evidence to disprove the right of way. The Bench declined to receive it, and Mr. Pemberton said the bench felt acutely the private pressure that had been brought to bear in this case, which they could not but condemn.

SMALLBONE'S APPLICATION. Mr. Bishop, for R. E. Thomas, appeared to oppose the granting of a license to the applicant at Goldstream. The Bench said they were not prepared to grant a license at present.

SUPREME COURT.

BEFORE HIS HONOR DAVID CAMERON, ESQ., C. J.

April 12th, 1864.

Sitting at nisi prius commenced this morning.

A common jury was empaneled at half-past ten o'clock.

Isley vs. Wright—Mr. McCreight, instructed by Messrs. Peakes and Green, for plaintiff. Defendant did not appear. The action was brought for \$450 and interest for money lent.

The plaintiff proved his case, and the jury returned a verdict for \$450 principal, and \$150 interest.

Grier v. Cording—Mr. McCreight, instructed by Peakes & Green, for Plaintiff; the Attorney-General instructed by Mr. Drake for Defendant.

This was an action for the value of some gold dust left with the defendant for assay.

Plaintiff examined—I went to Mr. Cording and asked whether he had any experience in getting gold dust out of black sand; he said he had; I then took the sand to him; he asked me how much gold I thought it contained; I told him I estimated at \$2,500 or \$3,000; he said he would tell me next day what he estimated it at per day; I went next day, he said it contained all I said, if not more; I then told him to call several times; he told me it would take some time; I called on the 6th of December, the day before the steamer came in, to ask for my bar; Mr. Cording told me that the bar was in the furnace, then, and if I called in the evening I could have it. I called about 4 o'clock, and the office was closed. I did not get my bar that day. I saw Mr. Cording about four days after and asked for my bar; he told me he would pay me in coin, and offered me \$1,400, which he said was the value of my bar after deducting the expenses. I demanded my bar, but did not get it. I had brought this black sand down from the creek myself; I know something of the value of black sand, and believe it to be worth at least \$2,000.

Cross-examined by Mr. Cary—The black sand might contain lead ore; you might call it lead ore, we call it black sand on the Creek. I paid for this dust from 6 bits to \$14 per ounce on Williams' Creek. I believe in that 180 lbs. of black sand there was more than '94 ounces. I could have passed more than that out of it on the Creek. I brought it to Mr. Cording for the purpose of getting all the gold out of it.

Re-examined—I have some experience as a miner, and have been tolerably fortunate, and I believe I can speak to the value of black sand generally.

AFTERNOON SESSION.

The evidence of a witness for the plaintiff

having been taken on commission before Mr. Wood, Barrister, and not returned could not be read. Mr. McCreight asked leave to examine Mr. Green, who could not produce the draft of the evidence taken before Mr. Wood. The counsel for the defence objected, and the Judge decided that it was inadmissible. For the defence Mr. Cary called

Loen Gumbinner—In November last I was in the employ of Mr. Cording. I remember Mr. Grier coming to Mr. Cording's with some lead ore in bags; it was assayed by Mr. Cording and I assisted him; the result of that assay was a bar of gold valued at \$1,598 52.

The specific gold that resulted from the assay was melted down into a bar; there was no arrangement made between Grier and Cording, within my knowledge, respecting the manufacture of a bar. Mr. Cording went down about the 16th of February to San Francisco.

The Attorney-General and Mr. McCreight severally addressed the Court. The Judge summed up briefly and the Jury retired to consider their verdict at 5 o'clock.

After considering their verdict the Jury found a verdict for \$2,700 being the value of the black sand; and \$225 damages for non-delivery of the bar.

FIREMEN'S DEPUTATION.

The Committee appointed at the firemen's meeting on Tuesday night to lay the position of the Department before the Governor, waited on His Excellency yesterday at 12 o'clock. Chief Engineer Keenan presented to His Excellency an engrossed copy of the resolution passed at the meeting, which was read by Mr. Robert Bishop, Secretary of the Board of Delegates. Mr. J. J. Southgate also read the following supplementary resolution from the various Insurance Companies of the city.

"We, the undersigned Agents in Victoria for the British Fire Insurance Companies, beg to submit our conviction of the importance of an efficient Fire Department in this city. The instructions also from our respective Insurance Companies are based on the existence of such, and we cordially approve of and endorse the resolutions passed at the public meeting convened by the members of the Fire Department, held in the theatre in Victoria, V. I., April, 12th, 1864.

Signed, A. R. GREEN & Co., Agents Imperial Fire Insurance Company

JAMON, GREEN, & RHODES, Agents Northern Assurance Company,

J. J. SOUTHWATE & Co., Agents Liverpool & London Insurance Co.,

GILBERT MACLEOD, SECRETARY, Agent Royal Insurance Company,

HENDERSON BURNABY & Co., Agents Lancashire Insurance Company,

DICKSON CAMPBELL & Co., Agents Queen Insurance Company."

His Excellency said in receiving these resolutions he wanted to impress on the deputation that this was a question in which he was cautious not to infringe on the rights of others. It was quite out of his province to take any active interference in a matter that specially devolved on the Legislature. That, however, would not prevent his having an opinion, which was this: First, that such an organization as the deputation represented was highly necessary in Victoria; second, that a volunteer system was far more efficient than a paid brigade could possibly be. He would rather have a dozen volunteer companies than half-a-dozen hiring ones. He thought, looking at the action of the Legislative Council, that it was rather complimentary than otherwise to the members of the department. It was very likely the opinion of the Council that there were so many intelligent men in the department that their services as jurors could not be spared; perhaps they thought too, that the number was not limited.

The deputation—The number is limited, your Excellency, to 195.

His Excellency said his opinion was that it would be desirable to limit also the number exempted from jury duty. He thought the best way would be to bring influence to bear on the House of Assembly, and get them to hold a conference with the Legislative Council on the question. He himself was not prepared to say what number he thought should be exempted, as that would depend on the number on the jury list.

Mr. Bishop stated that the number of voters in Victoria was about 600, all of whom were liable as jurors, and that the complement of the Department was only 195, of whom there were only 104 in active service.

His Excellency said he thought that it would not be considered too much to exempt one-fifth of the jury list from duty, and it appeared that that would about cover the number of firemen in active service. He assured the deputation that he would take good care that no one should throw cold water on the Department. The question was a very serious one, and concerned the whole community, and he concurred with the House of Assembly that a certain number should be exempted.

Mr. Keenan remarked that the exemption was asked as a means of keeping up the efficiency of the Department, some of the best members being disposed to withdraw, on account of the non-exemption, and should the number fall below twenty in each company, he, as Chief Engineer, would be obliged to disband them. Mr. Keenan laid before His Excellency a letter from the Colonial Secretary, in reference to the appropriation asked by the Fire Department, showing, he said, that there were some persons disposed to throw cold water on them.

His Excellency said he would enquire into the matter; meanwhile he must repeat that the matter was entirely beyond his jurisdiction, but they might depend on his warm support. He asked Mr. Keenan if he would furnish him with a nominal return of the members of the Department, showing those who were non-jurors.

The deputation then withdrew.

SURVEYOR-GENERAL OF BRITISH COLUMBIA.

We understand that Mr. Joseph Trutch has been offered the position of Surveyor-General of British Columbia.

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