

## The Weekly British Colonist.

Tuesday, November 28, 1865.

## MR. MACFIE'S BOOK.

The volume which the Rev. Mr. Macfie has lately contributed to English literature is a remarkable production in its way. Few works, we feel bound to say, show such marvellous versatility of talent. One moment we are treated to a page of the most scandalous gossip, and the next we are brought face to face with Max Muller. In one page is depicted the character of Alexander the Great, and in another the life of King Frey. If we want arguments to sustain the free port, Mr. Macfie plunges into ancient and modern history, and shows us how the "Tyrians, Greeks, Romans, Saracens, Venetians, Portuguese, Dutch and English" became commercial people,—how Mahomet, with an eye to business, desired his followers on their pilgrimages to Mecca, to vary the monotony of their religious journey by doing a little in the way of trade,—how Alexandria flourished and Palmyra decayed,—all of which it is of the very greatest importance to know in our present unsettled condition. Not ancient and modern history, however, nor gossip nor scandal contenteth Mr. Macfie. Mineralogy, chronology, theology, geology, philology, ethnology, zoology, ornithology, astrology, and even colorology are made to bear tribute to the work. The only "ology" in fact we cannot find is the one we should most expect of all others from the reverend gentleman—we mean the doxology. We have the mining theory and experience exhausted, we have the shells and the birds and the animals of these colonies treated scientifically, we have the Indians, the Chinese, and the colored races discussed with the air of a Darwin and a Huxley. The continent is spanned by a high way to take those irrepressible spices and silks from India to England; a profitable scheme is opened up to a steam company that will provide us with direct communication to Panama; emigration, colonial government, and politics are all treated with the soberness of a Ricardo or Adam Smith. We defy in fact any one to produce such an *olla podrida* of subjects in one volume as Mr. Macfie lays before his readers. With some of these subjects Mr. Macfie is about as much conversant as a Feejee is with a quadrant, with others the little knowledge the writer possesses is so inextricably entangled with prejudice that the whole value of the matter written upon is lost; with others he shows a most intimate acquaintance and has in this particular respect given to the world a most valuable collection of facts.

If we were to point out the subjects in which Mr. Macfie seems to have got hopelessly lost, we should say commerce and politics. Of all the irrational and inconsistent essays we have ever perused we think his lucubrations on these heads may fairly bear the palm. He first starts out with that uncomfortable load upon his shoulders—"the grandeur of the free port,"—and every step he takes, commercially or politically, is the zigzag, tottering gait of a man who is overburdened. Every absurd idea that has been iterated about our commercial policy he reiterates and endorses. "Thus, as was remarked by the *Times*," he says "we are enabled to feed the hungry and clothe the naked in the neighboring States; and the New York correspondent of that paper, in a letter published in September, said:—'British goods paying no duty pour from Victoria in Vancouver Island into California, whose citizens are thus enabled to clothe themselves in purple and fine linen without paying tribute to the Washington treasury.' " The idea of any man not actually a lunatic endorsing the statement about our "feeding the hungry and clothing the naked of the neighboring States" and supplying California with "purple and fine linen," is beyond conception; but what must we think of his knowledge of the places he writes about when he maintains the *Times*' correspondent's vagary that because Victoria is a free port the goods we send to California "pay no tribute to the Washington treasury." This gives a fair idea of Mr. Macfie's knowledge of our commercial position and prepares us for his assertion that union of the colonies is secondary to the free port. A little further on he tells us that Vancouver Island has land to support millions of a population—that a farming population is indispensable to a colony's prosperity—and then informs us that "there is no industrial interest in Vancouver Island worth protecting."

Mr. Macfie is by no means a radical in politics. He thinks the colony should never have possessed representative institutions, and has an immense admiration for a Colonial autocracy, which he recommends as the best system of Government for Vancouver Island. "Were irresponsible power," says Mr. Macfie, "lodged in the hands of an accredited and well-tried Governor appointed by the Crown, there would be a safer guarantee that useful laws would be more expeditiously passed, and the interests of the people more effectually promoted." Mr. Macfie is a genuine free porter; he would have the port of Victoria free, but he would have the inhabitants under the liberal regime of a

Turkish or Russian province. Like his consistency in the commercial arguments, he shortly afterwards shows us how necessary is a representative Legislature. Speaking of the refusal of the Assembly to endorse the Duke of Newcastle's proposition on the civil list he says: "The Legislature, having custody of the public rights simple, felt compelled to join issue with the Imperial Government on a measure which, if adopted according to the instructions of the Duke of Newcastle, must in the opinion of the House have entailed taxation, which would be found oppressive to a population so small as is at present in the colony."

When Mr. Macfie, however, gets out of what are evidently to him the intricacies of commerce and politics he gives us a very readable and instructive book. He presents to the general public a mass of exceedingly useful information about the resources of both colonies—the gold the silver, copper, coal, timber, fish, furs and agriculture. He affords the people of the mother country every information that an intending emigrant should know. The prices of all kinds of labor are remarkably correct for a book of the kind, and the advice tendered to the emigrant is unexceptionable. Although written in common-place style, Mr. Macfie has managed on the whole to turn out a very interesting book. One of the few regrets we experience on reading its pages, outside the commercial and political topics is that he should have been led, through personal feeling, to speak so disrespectfully of Sir James Douglas. It is one thing censuring the policy of an administration and another launching personal vituperation at its head. The gossip also in which some of the pages abound does not add to the tone of the work. A little more discretion in the use of incidents would have been an improvement. When a man, however, undertakes to write a book of nearly six hundred pages, about such sparsely peopled countries as Vancouver Island and British Columbia, he must not be very particular about the matter with which it is to be filled; and so on this ground, we presume, we must overlook the little tit-bits of scandal and the rather irrelevant subjects—scientific and historical—with which Mr. Macfie has so copiously interlarded—what we must acknowledge, in publisher's phraseology to be after all a "readable and interesting book."

THE WAY OF TRANSGRESSORS IS HARD.—A singular intrigue is mentioned in late New York papers, the facts being as follows:—The son of a millionaire pork packer married the niece of an ex-President and lived happily with her for two years; but though she was an excellent wife, he deserted her for an opera singer, and was disinherited by his father. As a matter of course he espoused the Southern side in the late civil war, and being arrested, was imprisoned for two years. When released he went to Canada, where he became acquainted with a young woman calling herself Mrs. Emily Frances Elliot, and who claims to be of royal blood. Mrs. Elliot is handsome, well educated and accomplished. At an early age she was compelled by her father to marry Major Fitzgerald, of the British army, who was some 30 years older than herself. This alliance was distasteful to her, and she entered at once into an alliance with G—. They fled from Canada, visited Saratoga Springs, Olfington, N. Y., and New York. Here they roomed at the Lafarge House, and here G—, it seems, determined to abandon her. To this end he removed his baggage from the hotel without her knowledge, and then departed himself under pretence of going to Philadelphia on business. He left her a letter in which he bade her adieu and enclosed her \$20 with which to get back to Canada. This she did not desire to do, but traced him with the aid of a detective. Meantime the wife of this fast young man discovered his whereabouts and had him arrested for "abandonment," all the three parties being brought before the police magistrate. Mrs. Elliot on being examined frankly acknowledged that she was not married to G—, although she had been passing for his wife at various hotels throughout the country. The entire history of the career of G— will probably never be written. The evidence disclosed that there were numerous victims to his intrigues, and letters were found in his baggage showing that some of them were so fascinated by him as to offer him their valuables to enable him to live in the style he desired. It is thought that nothing will be done with the prisoner, provided he is willing to accompany his wife and little ones to their now desolate home.

ANOTHER CALIFORNIA INVENTION.—A patent has been applied for by Messrs. Samuel Brown and Leon Level, of this city, for a "Lightning Disengaging Hook," or "Eye" to instantaneously detach boats from a ship's tackle. The apparatus is exceedingly simple and reliable, and it seems strange that it has not been thought of ere now. The terrible loss of life on board the Brother Jonathan, said to be mainly due to the difficulty of unhooking the boats after lowering, first suggested the idea to the inventor, Mr. Samuel Brown. A trial will be made shortly in our harbor before competent parties.—*Alta*.

IN THE SHERIFF'S COURT, London, recently, a surgeon dentist brought an action against a patient to recover his fee for extracting a tooth. The defence was that the plaintiff administered chloroform, and pulling out the wrong tooth, a perfectly sound one, leaving the real sufferer still in its place. The defendant swore that this was the fact, and Mr. Kerr told the plaintiff that it was clear he could not recover, and the defendant must be allowed his costs.

## THE ASSIZES.

His Honor Chief Justice Needham yesterday opened the first Court of Assize over which he has presided in this colony. The learned Judge took his seat on the bench at 10 o'clock, arrayed in full judicial costume, and was attended by the Gaol Chaplain, the Rev. T. C. Woods. After reading the Commission of the Peace, the following gentlemen were sworn in as Grand Jurors: C. B. Young, Esq., foreman; Messrs. A. J. Langley, W. J. Macdonald, J. Nagle, Thos. Pritchard, W. H. Huskinson, Edward Pack, John Wilkie, B. Griffin, W. Oakley, E. Green, W. Siffen, Thos. Lowe, D. B. Blair, J. Jones, F. W. Green, W. Edwards, T. Patrick, John Banks, W. B. Smith, A. Munro, and G. J. Findlay.

The criminal calendar was light, consisting of only four cases: Abe De Haven, embezzlement; Maurice Carey, arson; Wm. H. Wheeler, keeping a common gaming house; and Dicka Purlatch, an Indian, charged with shooting and killing.

The Chief Justice then addressed the grand jury in a lucid and impressive charge, and we can only regret that want of space restricts us to report merely the substance of the speech. In the course of his remarks the Chief Justice observed that he was happy to have the pleasure of meeting them on the first occasion in the colony. He then explained that the grand jury was an institution established as between the Crown and the people for the purpose of guarding the rights of the subject. In some countries there was a public prosecutor, but in England there was no such official, but each individual had the power to prosecute a criminal; each is supposed to have an interest in the issue, and each is supposed to have sustained an injury. The law was jealous of the reputation of accused persons, and in order to diminish the chances of such a wrong, an institution partaking of a secret character, somewhat anomalous, arose from that jealousy. His Lordship said that in their investigation of each case it was no part of their duty to balance evidence, but that they must decide upon *prima facie* testimony, as to whether a further enquiry was necessary, if they stepped beyond that point, they invaded the province of the petty jury. Considering the length of time which had elapsed, nearly six months, since last assizes, and the small number of cases set down for trial, His Lordship thought he ought to congratulate ourselves upon the scarcity of crime, but he regretted that upon glancing over the list of offences, he was unable to speak in a similar strain of the character of those crimes, which were of the highest kind. As regards embezzlement, a offence was governed entirely by statutes, a series of Imperial laws laying down the principle that if a man in the employ of his master appropriates a sum of money to his own use, or concealed any of the facts connected with the receipt thereof it was an indictable offence. The amount, however, small was of no consequence, it was the intent that was to be dealt with, and with the ultimate punishment they had nothing to do. His Lordship then dwelt in strong terms on the enormity of the crime of arson, but stated that in looking over the depositions, there appeared to be no direct testimony of the commission of the act. Circumstantial evidence was very potent in solving such difficulties, and there seemed to be no doubt that the premises had been set fire to by some one. With reference to the Indian now in custody, from some mismanagement the proper documents had not arrived from Nanaimo. Such outrages if proved should, as a protection to society, be visited with the utmost rigor, and in accordance with the power entrusted to him, he would postpone the trial until next session. In conclusion His Lordship said as this was the first time of their meeting, he was thus induced to address them at such length, and in such general terms.

True bills were then returned by the Grand Jury against the following prisoners:—Abe De Haven, embezzlement; Maurice Carey, arson; W. H. Wheeler, gambling.

The foreman of the Grand Jury then made his appearance and addressed his Lordship, stating that they had completed their business, and praying to be discharged, which his Lordship granted, thanking them for the services rendered to the country. On application of the Attorney General, however, who stated that the depositions in the Nanaimo case had not yet reached him, his Lordship requested the Grand Jury to be again in attendance on December 4th. The Foreman here obtained leave to read the following presentation:

The Grand Jury respectfully presents to your Honor that it considers it would be doing great injustice to the erring (sic) portion of the community if it did not express its marked satisfaction at the decreased number of indictments, there being only four on the calendar.

The Grand Jury avails itself with pleasure of this first opportunity to congratulate your Lordship on your safe arrival in this city, and hopes and believes that the colonists in general will have just cause to congratulate themselves on your Lordship's accession to the Bench of the Supreme Court of this colony; we cannot too highly appreciate your Lordship's punctuality, unwearied attention to the business of the court, and the desire manifested to save the time and curtail the expense of all parties involved in litigation, and we trust that your Lordship will be enabled to reduce the fees and charges of every description, so that the poor man, as well as the rich may have it in their power to seek that redress which, under the present costly system is almost denied him.

We believe that no greater blessing can be enjoyed by any community than the prompt, cheap, and impartial administration of justice, and we look with confidence to your Lordship to confer that blessing on us.

CHAS. B. YOUNG, Foreman.

November 23, 1865.

Mr. Young added that the jury had found the depositions and indictments so badly written as to be almost illegible, and suggested some improvement.

His Lordship said he would see that the presentment was forwarded to the proper quarter, as he himself had no power in reference to the suggestions made therein. As to the latter remarks of the foreman, he would state that he had seen similar matters in much larger cities and would say that the conduct of minor matters in this court were very creditable; in fact the jury might be thankful that the officers had done as well as they had. He briefly acknowledged the complimentary ex-

pressions in the presentment, and dismissed the jury.

A petty jury was then sworn in, with Mr. Hardy Gillard as foreman, and the following cases were disposed of:

EMBEZZLEMENT.—Abe De Haven was charged with embezzling a sum of \$250, the property of his employer Mr. Ohas. Wren. The Attorney General, advised by Mr. Bishop, prosecuted.

The prisoner on being asked to plead said, "I guess it all right," but the court refused to accept the plea. Prisoner then pleaded not guilty but afterwards withdrew the plea and pleaded guilty.

His Lordship gave the prisoner an impressive warning to avoid dishonesty, the beginning and the end of crime he said were very different but the gradation was extremely easy. He then taking into consideration that the prisoner had been confined in gaol for six weeks, sentenced him to one week's imprisonment without hard labor.

ARSON.—Regina vs. Carey—Maurice Carey was arraigned on an indictment with several counts, charging him first with arson, second with an attempt to commit arson, third with attempting to set fire to certain premises known as the Colonist Building with intent to defraud the Insurance Company; fourth with conspiring to defraud.

The prisoner was defended by Mr. Ring, instructed by Messrs. Bishop and Courtney, and was allowed within the rails in custody of an officer.

The Attorney General applied for a postponement of the trial owing to the absence of Sergeant Wilmer, a material witness, who was laid up from the effects of an accident.

Mr. Ring asked the Judge to reduce the bail to £100 and two sureties in £50 each.

His Honor replied that the charge was a very serious one and it was his duty to provide against the possibility of escape; he could not therefore see his way clear to comply with the request.

Dr. Dickson, the surgeon who set Wilmer's collar bone, said he did not think it would be advisable to compel the attendance of the witness for 10 days.

His Lordship therefore adjourned the case until Monday, Dec. 4th.

Mr. Ring expressed a desire that greater facilities might be allowed to the prisoner's family to visit him in prison.

The Judge called the Gaoler, who said that the hours of admission were from two to three p.m. every day, from two to four p.m. on Saturday, and not at all on Sundays.

His Honor—What! is that all? only one hour a day! There certainly should be freer access, indeed the utmost freedom of access consistent with the arrangements of the gaol should be given.

The Gaoler remarked that he only did his duty in obeying orders. None were admitted without an order from the Acting Governor the Superintendent.

His Honor directed the Gaoler to state to the Acting Governor that in his judgment greater facilities of access should be accorded to the friends of prisoners.

The Foreman of the Grand Jury having informed the Court that there was no farther business before them, His Lordship thanked them and said the country was indebted to them for their services, but on the application of the Attorney General in regard to a Nanaimo case, he asked them to come again on the 4th December.

KEEPING A GAMING HOUSE.—Regina vs. Wheeler.—William Henry Wheeler stood indicted on a charge of keeping a common gaming house at the Verandah Saloon, on Johnson street, contrary to the statute, to which he pleaded not guilty.

The Attorney General prosecuted. Mr. Ring appeared for the prisoner. The prisoner was also allowed within the rails.

The evidence adduced in this case was in substance the same as was given at the preliminary enquiry in the police court on Monday last, which was published in *extenso* in the COLONIST.

At the termination of the case Mr. Ring made an earnest appeal to the jury, and his Lordship having briefly charged them on the evidence and the points for them to determine, the jury retired for a few minutes and returned a verdict of GUILTY.

Mr. Ring expressed a hope that the Court would take into consideration that this was the first offence; that the finding of the jury would of itself be a severe warning; that the prisoner, moreover, was a foreigner; and make the sentence as light as possible.

The prisoner having re-entered the dock, was asked by the judge if he wished to say anything, and replied in the negative.

His Honor, addressing the prisoner, said: The jury, after a patient investigation, had conscientiously performed their duty under the clearest possible evidence in finding him guilty of keeping a common gaming house. Compared with some graver offences the offence was not one of such great magnitude, yet notwithstanding it was one of considerable gravity, which in a young country like this it was very important to stop. The law was never intended to operate so much against individuals as to repress crime and secure society. Open and avowed gambling was notoriously injurious to any community, but this was an act of a blacker character.

To take the hard earnings of miners by exciting their passions at the gambling table was very serious, which it is necessary in your person to put a stop to. Everything that has been urged in extenuation of the circumstances and in mitigation of the sentence will be taken into consideration. It has been shown that you were looked upon as a respectable man, and were entrusted with a spirit license, but it was your place to protect the interests of society by keeping a steady and respectable house, and the court does not feel bound to deal too lightly with you. The sentence of the court, therefore, is that you suffer one calendar month's imprisonment with hard labor, and pay a fine of \$100 to the Queen, and I hope it will prove a warning.

His Lordship then thanked the jurors for their attendance and discharged them.

The Sheriff adjourned the Court of Assize until the 4th prox.

BOSTON CORRENT, who killed Booth, has not received, as yet, a cent of his share of the reward offered for Booth's arrest, nor the offer of that promotion in the army which his companions have had. He is now in New York, with his health undermined and only ten dollars in his pocket.

## THE FENIAN EXCITEMENT.

ARRESTS AT CORK.—ARRIVAL OF ARTILLERY AND CAVALRY.

[From the Cork Examiner, Sept. 13.]

The most intense excitement has been caused in this city by the arrest early this morning of a large number of persons charged with belonging to the Fenian Brotherhood. Between three and four o'clock this morning a body of police, numbering about one hundred, divided themselves into small parties and proceeded to make arrests in different parts of the town. A sword, pistols, and military uniform were found at the house of one of the parties arrested. The latter included several shopmen, an attorney's clerk, an artisan, &c. They have been arrested, it is said, on intelligence given by an informer. A secret inquiry was held at the city jail this morning, when the prisoners were all either committed for trial or further examination. A battery of artillery has just arrived from Ballincollig.

[Cork Correspondence Saunders' News Letter, September 19.]

Those who doubted the existence of a Fenian conspiracy in this city and county were not a little surprised, when leaving their chambers this morning to learn that from an early hour the city was in charge of a large cavalry, artillery and constabulary force, who before five o'clock had effected several arrests some of the prisoners being persons in respectable positions, and of whom the public had no previous suspicion of being capable of connecting themselves with such a confederacy. That the conspiracy is of a serious character the Government has been for some considerable period authentically apprised, and that large quantities of fire-arms and numbers of drilled men are daily landed on these shores from America the authorities are fully aware. Yesterday afternoon fifty of the reserved constabulary, under the command of Sub-Inspector Carr, arrived here by the Great Southern and Western Railway, and during last night one hundred and fifty more came in from the rural districts, under Sub-Inspector Kirwan, the city force being under Sub-Inspector Hamilton. At three o'clock this morning the whole was under arms, Cronin, E.M., and McLeod, R.M., with County Inspector Duncan, taking the command. The police, numbering about four hundred, were then divided into distinct parties to execute the arrest warrants entrusted to them. At this moment a troop of cavalry and two pieces of artillery arrived from Ballincollig barracks, and the police proceeded to the residences of those against whom they had warrants.

The prisoners having been identified as the parties whose names were in the warrants, they were committed for trial at the next Assizes (March, 1866), on a charge of "high treason." The prisoners were then conveyed to the city jail under a strong escort. While these arrests were being made a house was searched at Blackrock, within two miles of this city by a large force of constabulary. The search seemed to have failed in its object. A large force of military with four heavy guns left this morning for the west of the country, where it is expected other arrests will be made; and it is rumored that warrants are issued for the arrest of other parties in this city. The streets were all day patrolled by mounted policemen, and the military were confined to barracks. Two additional regiments are expected here in the course of next week.

LATER FROM DUBLIN.—PASSENGERS FROM AMERICA LOOKED AFTER.

[Dublin (Sept. 19th) Telegraph London Times]. There have been no further arrests in Dublin and no excitement. The police search passengers' luggage in the steamers arriving at Cork from America.

Captain John McCafferty, late of the Confederate Army, was arrested on the arrival of the City of Limerick, with reasonable documents, introductions and two revolvers. He was remanded. A man named Crowley, from Kinsale, was remanded to-day, also on charge of high treason. Further arrests are expected.

REPORTED IMPORTANT INFORMATION FROM SECRETARY SEWARD.

[From the London Times, Sept. 19th.]

While it is beyond question that America has been the cradle of this foolish association, and is still the basis of its operations, we must do full justice to the United States Government. So far from conniving at these filibustering designs, or at the exportation of firearms to Ireland, there is reason to believe that it has earnestly discouraged them. It is stated that the information upon which the seizure was made at the *Irish People* was derived from Washington, and may probably have been communicated to our Minister by the United States authorities. We sincerely trust that such may prove to be the case, and none would have more reason to thank Seward for his intervention than the deluded youths who may thus have been saved from plunging into further crime. There is true mercy in putting down sedition at an early stage. The ringleaders are always few in number, and their prompt apprehension enables the Government to deal gently with their less guilty followers. Its complete success, in this instance, is its best justification, and this single blow may perhaps be the means of paralyzing Fenianism once and for all. If fresh recruits and stores of arms be already on their way from America, it is to be hoped that the police, with the papers already in their hands, will know how to take good care of them. The presence of our fleet on the west coast of Ireland, though doubtless accidental, has greatly tended to quiet the panic among the peaceable inhabitants, and will serve as a timely warning to the Fenians on both sides of the Atlantic.

SUSPECTED FOUL PLAY.—An English paper says of the Atlantic cable failure:

"There was a suspicion at one time that foul play had been at work on board, in consequence of the fault discovered in the rope, but the natural explanation is that the outside wires, which are wound spirally round the rope, had been broken during the unwinding, and had pierced the core as it went over the paying out machine. Another objection is, that the rope is not deersley heavy, so that, when a fault is detected, the task of picking up becomes perilous. The outside wires and the hemp were expected to give permanent strength to the cable, but so far from this being so, they have been the cause of all the mischief."