

The Weekly British Colonist, AND CHRONICLE.

Tuesday, November 5, 1867

The Municipal Franchise Again.

If, as is popularly believed, foreigners are entitled to vote at the approaching Municipal Election, women and minors who have paid the Municipal rates may also legally record votes in favor of one or other of the candidates...

The position of Europe is critical. War is imminent. Ratazzi, the Prime Minister, has resigned and Ciadini has formed a new Ministry. The wild excitement exists in Florence and other cities...

Wednesday, Oct. 30. ALLEGED DISGRACEFUL PROCEEDINGS AT LILLOOET.—We have received a letter from Lillooet, signed by a respectable party, in which the writer asserts that the land located as farms by Chinamen in that district has been "jumped" by white men...

The Canadian Company v. The Grouse Creek Company.

The following is the decision of Chief Justice Needham in the celebrated Grouse Creek case, which has not previously appeared in full:

The Canadian Company vs. The Grouse Creek Company. This is an action of ejectment tried by consent of both parties without a jury to determine the title to certain mining ground situated on Grouse Creek in the District of Cariboo.

A sum of \$2,668 50 has been paid into Court by the parties, \$2,668 50 by the plaintiffs, and \$1000 by the defendants, to abide the judgment and order of this Court.

The following are the material facts proved.

The plaintiffs are free miners acting in co-partnership under the style of the Canadian Company.

The defendants are a Joint Stock Company (Limited) registered and incorporated under the Joint Stock Company's Act.

On the 30th April, 1864, the Crown by Peter O'Reilly, Esq., of Cariboo, acting on behalf of Her Majesty the Queen, by indenture of lease of that date, in consideration of the rents and covenants therein mentioned, granted and leased to the defendants, a tract of land situated at Grouse Creek, Cariboo, British Columbia, described therein as commencing from a point at the old trail on the fall demised premises, and under the said proceeding down such creek for a distance of four and six-tenths statute miles, and embracing a strip of ground one hundred feet wide through the entire distance between the said extreme points for the purpose of laying a bed rock flume thereon, and for the other purposes in the said indenture mentioned, together with all and singular the lode and lodes, vein and veins, branch and branches, reef and reefs of gold and silver, and every other metallic mineral within and under the said demised premises, and with liberty to the defendants, and their assigns, to dig, to follow the dips, angles and spurs thereof, respectively within or under, and for 200 feet beyond any part of the said demised premises (except as therein is excepted).

To hold the said demised premises to the use of the said Grouse Creek Flume Company, Limited, their successors and assigns, for the term of 10 years, from the 1st of May 1864, rendering the rents therein mentioned. Provided that if the said company should fail to pay the said rent, or if default should be made in the observance or performance of all or any, or any part of any of the covenants, agreements or stipulations therein contained, of which default the Gold Commissioner of the District for the time being should be sole and uncontrolled Judge, then it should be lawful for the said Peter O'Reilly or his successors in office for the time being by any writing under his or their hand, and affixed to some conspicuous part of the said premises thereby granted, to declare the said demised premises forfeited and that after the expiration of thirty days from the day of so affixing such notice, those presents, and all rights, privileges and authorities thereby granted and conferred, or intended so to be, should ipso facto cease and be void.

Prior to this grant the said tract of land had been staked out by the defendants, a survey thereof made, and a map lodged with the proper authorities in pursuance of the requirements of the Mining Act, and this map contained a datum centre magnetic line, running through the property from which it was proposed that the 50 feet on each side should be measured.

Under the above indenture of lease the defendants duly entered upon the lands, and became possessed of the term thereby granted.

They commenced the contemplated flume and works, and expended on the land from \$20,000 to \$30,000.

The full conditions of the lease were not however, complied with, and on and prior to the 8th October, 1866, the said lease had by reason thereof become liable to forfeiture, and the Crown entitled to enter for condition broken.

No adjudication of default or declaration of forfeiture, made by the Gold Commissioner in pursuance of the above proviso, nor has any step been taken by or on behalf of the Crown to re-enter upon the lease for condition broken.

On the 8th October, 1866, the plaintiffs entered upon the whole of the lands so demised to the defendants as aforesaid, and on the same day their recorder of claims, in the District in the name of certain persons mentioned, and to be known as the Canadian Company, but they took no steps to stake out the land, which they so entered upon and recorded.

By indenture of the 23d March, 1867, and made between Warner Reeve Spalding, Esq., of Cariboo, acting on behalf of Her Majesty the Queen of the first part, and the defendants of the other part, after reciting the above grant of the 30th April, 1864, and that the Government was desirous of resuming a great portion of the ground and privileges granted to the said Company by the said grant of the 30th of April, 1864, which the said Company had consented to give up in consideration of being freed from the observance of the provisions of such grant applicable to the premises so given up, and also to certain portions of the provisions of such grant appertaining to the premises retained in the possession of the said Company, and that the said parties had concluded such agreement in manner therein after expressed, it was by the said indenture witnessed that in consideration of the premises, and in pursuance of such agreement, the said company thereby released unto Her Majesty, Her heirs, successors and assigns, all the land and premises included in the said grant or demise of the 30th day of April, 1864, other than the lands rights, privileges and premises therein after retained by and confirmed unto the said company, their successors and assigns, and that freed, and cleared and forever discharged from the provisions and conditions of the said grant or demise, and in consideration of such release and concession, and in pursuance of such agreement, and in consideration of the rents and covenants and conditions and stipulations therein contained, and by the said company their successors and assigns

were (with the exception presently mentioned) entitled to the whole of the land, including the strip of 12 feet 2 inches in width.

After a full and careful consideration of the evidence I have arrived at the conviction that the post called Baker's Stake never did indicate the eastern boundary of the defendants' land. That the defendants are right in their contention, and that the Heron Spaling, or the point where that sapling stood, is the place datum point, and that that stake was placed there in 1864 as the centre stake, and consequently that the true boundary line is that claimed by the defendants.

But then it is contended by the plaintiffs that even measuring from that stake 50 feet on the east side, the defendants' boundary would fall short of the whole of 12 feet 2 inches by some 2 feet. But to my mind this is a refinement on the measurement which neither the circumstances admit of nor the facts justify. The defendants have always been in possession and claimed the whole as part of the land granted to them.

The adjoining owners have always claimed and still claim up to the defendants' boundary and yet have never claimed this, and there seems no reasonable ground for the idea that a strip of 2 feet should be left unappropriated between two adjoining owners. No such piece has ever been staked out or recorded by the plaintiffs in the Gold Commissioner's Court, nor can I find that the plaintiffs until this trial ever set up such a claim.

I cannot but look upon this claim as an afterthought, and I am of opinion that the whole of the land belongs to the defendants, on the east side up to the line of the Black Hawk and Heron claims, or in other words that the whole of the 12 feet 2 inches is included within the defendants' boundary.

There will be judgment for defendants accordingly and they will be entitled to an order in their favor for the money now in Court.

I have only this to add, I cannot be blind to the fact that much public excitement has existed with regard to this case. Nor can I hope that the judgment which I have now pronounced will be equally agreeable to all.

But I do hope and believe that all will acquiesce in the decision of this Court. I can only say that it has been arrived at after full consideration, and a simple desire to administer justice according to law.

I have and firmly believe that armed alone with the authority of the law a child may execute this judgment and that no one will be found whose wish is not to uphold and obey the judicial tribunals of his country—tribunals which have always been regarded by Englishmen as the fountain of justice and the bulwark of their freedom.

I desire to express my thanks to the gentleman of the bar for the able and honest assistance I have received at their hands during a protracted and somewhat difficult inquiry, it does them the highest honor.

THEATRE ROYAL.—This evening the new comedy of "Urgent Private Affairs," and the splendid farce of "Joe Brag; or, Make Your Will," will be played. The inimitable George Edwards will appear in both pieces, and during the interlude will sing a number of new songs, of which he appears to have an inexhaustible supply. Mr. O'Neil and the well-known Marsh Family, with several articles as yet unknown to fame here, will appear, and there will be no smoking allowed in the theatre.

POLICE COURT.—Yesterday Stephen Chase underwent another examination on the charge of stealing furs, knowing them to be stolen, in his possession, and was remanded for one week. The prisoner has thus far failed to satisfactorily account for the furs found in his possession. Daniel Bradbury pleaded guilty to the charge of stealing a sack of flour and a case of brandy, and was sent to the chain-gang for three months.

THE HORSE RACES.—Admiral Hastings and the officers of the Squadron have subscribed \$50 as a Naval Purse, to be run for on the 9th, by naval officer riders only. There will be a hurdle race and two flat races in addition to the naval race, and there is every prospect that the affair will prove highly successful.

NAVAL MAIL.—The Fidelity brought a mail for the Squadron on this station. English papers to the 31st August were received at Requiama yesterday. Admiral Hastings having wisely telegraphed to the British Consul at San Francisco to send on the bags.

A WINDFALL.—An Oakland, California, paper states that a young man named Reed, formerly of Victoria, B.C., and latterly employed as a draughtsman in the former place, has received intelligence that by the death of an aunt in England he has fallen heir to an estate worth £45,000.

AID FOR THE HOSPITAL.—The collection at St. John's Church on Monday, at the service in connection with the Masonic inauguration, amounted to fifty dollars, two thirds of which was handed to the Royal Hospital and one third to the Female Infirmary.

DISMANTLED.—A dismantled vessel, supposed to be the new brig "Rosie" Cowan, was observed by Albert Head shortly before dark last evening.

MUNICIPAL INDEBTEDNESS.—All persons having claims against the Municipality must hand in the same on or before the 31st inst. (to-morrow), at 4 o'clock p.m.

SPEAKING AT LAST.—The wires began to "talk" merrily again last evening. After their long silence they "talked" to some purpose.

COAL.—The steamer Otter sailed for Nainimo yesterday to bring down a supply of coal for the Company's steamers.

THE Enterprize yesterday morning had 25 passengers and 70 tons of freight for Fraser River.

THIRTY-NINE CHINAMEN will be entitled to vote at the coming Municipal election if foreigners are admitted to the franchise.

The steamer Cariboo, with live stock, came in from San Juan Island last evening.

Prospects of the Cotton Crop.

The New Orleans Crescent of September 7th sums up the latest reports of the cotton crop. In Louisiana the army worm has committed terrible devastation, and it is impossible to make an estimate of the yield of cotton in that State. The Crescent says: "When the planters have picked what the worms have spared or have not been able to destroy, we can count the bales. There is no such thing as a trustworthy calculation on the subject."

In the Shreveport district, however, the worm has been less active, and about half a crop will come into market. The crop in West Baton Rouge is a failure, and the worms are destroying the cotton with a rapidity almost unknown before. Whole fields are swept away in a few hours.

The worm has appeared in every part of Mississippi, but in the northern counties its ravages are comparatively slight and the cotton crop will be better than for years past. In Choctaw County and its neighborhood a severe drought has sided the worms in injuring the crop. In Rankin County the worms have done no harm. The average yield in Mississippi is better than was expected.

The news from Southern Alabama is still more encouraging. In Butler, Cosecuh and Marengo Counties the crop is excellent; from Butler County there are no unfavorable reports; but in Lowndes County the worm is very active and the crop is half ruined.

In Texas there are fears of total destruction except in the Red River region where the farmers are diligently fighting the enemy, with a prospect of destroying him.

In Arkansas the hot and dry weather has killed the worms and the planters are in a happy frame of mind. In Eastern Florida picking has begun and the yield is equal to the average.

EFFECTS OF SPECULATION.—A speculator at the West recently said to a friend: "When I first came to Chicago I had not a rag to my back, and now I am covered with rags."

"My boy," said a distinguished merchant to his son, who was meditating matrimony, "be sure, in making your selection, to get hold of a piece of goods that will wash."

A man named Tease has married a Miss Cross in St. Louis. He teased her till she agreed she wouldn't be Cross any more.

BRISTOL'S Sarsaparilla IN LARGE BOTTLES.

When the blood is thick, the circulation clogged and the humors of the body rendered unhealthy by the gross and greasy secretions of the winter months, this powerful, detergent cleanser every portion of the system, and should be used daily.

A DIET DRINK For all who are sick, or who wish to prevent sickness. It is a purely vegetable and original preparation.

THE PERMANENT CURE OF THE MOST DANGEROUS AND CONFIRMED CASES OF SCROFULA OR KING'S EVIL, OLD SORES, BOILS, TUMORS, ABSCESSES, ULCERS, AND EVERY KIND OF SCROFULOUS AND SCABIOUS ERUPTIONS.

It is also a sure and reliable remedy for Salt Rheum, Ring Worm, Tetter, Scald Head, Scoury, White Swellings and Neuragic Affections, Nervous and General Debility of the System, Loss of Appetite, Langour, Dizziness, and all Affections of the Liver, Fever and Ague, Bilious Fevers, Chills and Fever, Dumb Ague and Jaundice.

It is guaranteed to be the Pure and Most Powerful Preparation OF GENUINE HONDURAS SARSAPARILLA. And is the only TRUE AND RELIABLE CURE FOR SYPHILIS, Even in its worst forms.

It is the best medicine for the cure of all diseases arising from a vitiated or impure state of the blood. The afflicted may rest assured that there is not a single particle of MINERAL, MERCURIAL, or any other poisonous substance in this medicine. It is perfectly harmless and may be administered to persons in the most delicate stages of sickness, or to the most helpless invalid, without doing the least injury.

Full directions how to take this most valuable medicine will be found around each bottle; and to guard against counterfeits, see that the written signature of LEA & PERRINS is on the blue label.

FOR SALE EVERYWHERE. Hostettor, Smith & Dean, San Francisco.

LEA & PERRINS' WORCESTERSHIRE SAUCE. DECLARED BY CONNOISSEURS TO BE THE ONLY GOOD SAUCE.

CAUTION AGAINST FRAUD. The success of this most delicious and unrivaled Condiment having caused certain dealers to apply the name of "Worcestershire Sauce" to their own inferior compounds, the Public is hereby informed that the only way to secure the genuine is to

ASK FOR LEA & PERRINS' SAUCE, and to see that their names are upon the wrapper, labels, stopper, and bottle.

Some of the foreign markets having been supplied with a spurious Worcester's Sauce, upon the wrapper and labels of which the names of Lea & Perrins have been forged, L. & P. give notice that they have furnished their correspondents with a list of names of persons to whom they have supplied the genuine, and that they will take instant proceedings against Manufacturers and Vendors of such, or any other imitations by which their right may be infringed.

Ask for LEA & PERRINS' Sauce, and see Name on Wrapper, Label, Bottle and Stopper. Wholesale and for Export by the Proprietors, Worcester: Green & Blackwell, London, &c. &c.; and by Grocers and Others universally. Agents for Vt. Territory—Janion, Green & Rhodes. July 1st

By Electric Tel

SPECIAL TO THE DAILY BRIT

WAR IMMINENT

Europe.

FLORENCE, Oct. 21.—Ratazzi and the King has summoned Florence to form a new Ministry to support the new Cabinet, in being the interest of France.

Petitions are pouring in from Italy protesting against the de National Capital. Ratazzi to a large crowd, who were making tions in favor of Garibaldi, assure the King will maintain the honor of the Government. Garibaldi has issued tion which adds to the popular He urges the people of Italy to the struggle.

Rome telegrams say Garibaldi's position, and is hourly being reinforced. Rome telegrams say all the evacuated the Roman territory of ed their attempt. The popular great. Throughout Italy an eter feeling is shown against Fr Emmanuel is loaded with r yielding to the dictation of Naplino at Fieschi. The popula-crowds under the windows of ments offices and shout for the capital of Italy.

FLORENCE, Oct. 23.—The new is glorious for the cause of Italy. erment has deemed it best to details.

FLORENCE, Oct. 24.—Cialdini in forming a new Ministry. The Official Gazette declares no expressions of French inte aspects the people will sustain A rumor is current that Cialdini a coup d'etat for solving the Ro

The efforts of the police to whereabouts of Garibaldi ar number of citizens had an aud King to-day, and implored He the liberation of Rome.

Messini Garibaldi is reported in the Province of Ugento. BRUXELS, Oct. 22.—The Post the United States was signed the LONDON, Oct. 25.—Late d Rome say the party of action insurrection on Tuesday, placed under the barracks of but was a failure.

PARIS, Oct. 20.—All the occur in the declaration that twenty-four hours, making termination claimed to crush the ary movement or to faithful provisions of the September France will act accordingly.

Eastern States

WHEELING, VA., Oct. 25.— carry the city and county of 700 majority. There are large gains as far as heard from.

CHICAGO, Oct. 25.—Despatch sides Creek Lodge say the Indians have effected a treaty v Southern Indians. They met i and Cheyennes on the 22nd.

CHICAGO, Oct. 25.—The Time the Government has been in new minister from England v pointed at present.

CINCINNATI, Oct. 23.—The Ohio is published, the total vo the largest ever cast.

NASHVILLE, Oct. 24.—Brow U. S. Senator.

CHICAGO, Oct. 24.—Hayes' o for Governor of Ohio is 2910. jority for Supreme Judge in F 1200.

The Republican majority ballot in the Pennsylvania Leg Richmond, Oct. 24.—Retur clostely that the State has vot a Convention.

PAIDELPHIA, Oct. 18.—Sev Republican candidates for co will contest the recent electio crat.

BALTIMORE, Oct. 18.—There hot here to-night. A negro r fired into, retained the fire, was killed. The police soon riot.

NASHVILLE, TENN., Oct. 18.— gers, one of the oldest and Radical Senators, has offered the Tennessee Senate. He is paying for the 5-20 bonds w

WASHINGTON, Oct. 18.— have obtained a clue to the o the 7-30 bonds. The 5-20 bonds have been put upon the

Canada.

TORONTO, Oct. 25.—There w on the Royal Canadian Bank call for gold was promptly res; the excitement subsided.

Labrador.

A St. John's special say gained entrance on the coast the 9th. Thirty vessels and lost. There was great destor party and over ten thousand destitute.

South America

NEW ORLEANS, Oct. 22.—F Sept. 25th. The Amazon opened to navigation on the 7 ceremony.

California Mark

SAN FRANCISCO, Oct. 28.— York, Saturday evening, 1413 are little stiff, brokers buyin selling at 71 3/4. Flour buoy jobbing trade of city bra \$6 50 @ \$7; extra, \$7 50 @ \$8 include 4500 she fair coast; choice ditto at \$2 50. Ma healthy condition; for round \$2 50 has been refused. Oct