

The Weekly British Colonist.

Tuesday, December 5, 1865.

MR. MACFIE ON IMMIGRATION

One of Mr. Macfie's ideas for regenerating the colony, morally and materially, is the emigration from England of five hundred young women of good character. These are to be sent out in batches of fifty every month, until the number is exhausted.

While, however, objecting to many of Mr. Macfie's ideas on immigration we cannot but confess that the colony is much indebted to the reverend gentleman for his advocacy in England of an emigration scheme; and for the manner in which he has exposed the mischievous effects on young countries of the self-supporting fiat of the Colonial Office.

What is the difference between stabbing a man and killing a hog? One is assaulting with intent to kill, and the other is killing with intent to eat.

SUMMARY COURT.

[BEFORE CHIEF JUSTICE NEEDHAM.]

Dennis v. Hart.—Action for \$242. Mr. Copland for plaintiff, Mr. Bishop for defendant. Upon the application of the Attorney for defendant, hearing postponed until next court.

Assignees of Bayley v. F. W. Griffin.—Judgment for plaintiffs for \$29.

The same v. Wakeman.—Judgment for \$17 8 1/2.

The same v. Peter Lind.—Judgment for \$29 11 1/2.

Maitre v. Francis.—Action to recover \$100 damages for levying a wrongful and excessive distress. Judgment for \$30 and costs.

Some other cases set down were struck out owing to the non-appearance of parties to the suit. On some judgment was confessed, time for payment being given, and other cases were ordered to stand over for want of service and other causes.

Carfras v. Green.—This was an action to recover from the defendant the sum of \$150 damages alleged to have been sustained by the plaintiff from injuries received through the carelessness and negligence of the defendant or his servant, in having driven his carriage over and against the plaintiff.

His Honor rendered an elaborate judgment. The suit was brought to recover a sum of money for injuries sustained through the alleged careless and unskillful driving of the defendant and his servants. What constituted negligence or unskillfulness was not determined by any fixed rule, but was left to the court to determine.

His Honor gave judgment for \$15 surgeon's expenses, and wages for twenty-two days to plaintiff, who is a boiler maker, at \$4 50 per diem.

Mr. Green gave notice that he would move for a new trial before a jury.

Simpson v. Greenstade.—Suit to recover \$75 for services rendered in tending sheep at Elk Lake in July and August last.

The defence was that the plaintiff had agreed to perform the services for his board. The plaintiff was examined, also the defendant and three witnesses on his behalf.

His Honor gave judgment for the plaintiff, and ordered that the defendant should pay the plaintiff's costs.

Hutcheon v. Carson.—Carson v. Hutcheon.—By agreement all questions at law and equity and matters in difference between the parties to be left to the determination of His Honor the Chief Justice.

OPENING OF THE LEGISLATURE

The Governor's Speech.

The third session of the present Parliament was opened by His Excellency Governor Kennedy in person Tuesday afternoon at one o'clock. A guard of honor of the Volunteers under Lieut. and Adj. Vinter and Ensign Elliot, were in waiting at the Court House door and presented arms to His Excellency as he entered, accompanied by his Private Secretary and other officials.

When the members were all seated His Excellency delivered the following

SPEECH. Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.

I have deferred calling you together until this late period of the year, in the expectation that I should be thereby enabled to submit to you in some conclusive form matters affecting the settlement of important questions concerning the future condition and prosperity of the Colony.

Despatches from Her Majesty's Secretary of State for the Colonies on the subject of the Crown Lands of Vancouver Island will be laid before you. I forbear to enlarge upon this subject beyond expressing an earnest hope that the wisdom and moderation of the Legislature may find a way to a final settlement of this question.

The discredit and danger to public health arising from the unrepared streets and want of drainage in the city of Victoria cannot longer be ignored without seriously deteriorating the value of private property.

The importance of direct steam communication between Vancouver Island and San Francisco cannot be overrated, and the absence of it is now most seriously felt.

I would earnestly bespeak the attention of the legislature to the insufficiency of the law for the prevention of the sale of intoxicating liquors to the native tribes by which they are demoralized and decimated.

Supreme Court. BEFORE CHIEF JUSTICE NEEDHAM AND A JURY.

Gentile v. Anderson & Co.—This was an action to recover from the defendant the sum of \$500 for services rendered by the plaintiff in taking certain photographic views at Alberni in May, 1864.

Mr. McCreight, instructed by Messrs. Peakes & Green, appeared for the plaintiff. Mr. Ring, instructed by Messrs. Drake & Jackson, for the defendants.

The defence set up was that the plaintiff went to Alberni on his own account without any specific contract having been made with him, and that if a contract did exist it was only made by Mr. Johnson, the Manager at Alberni Mills, after his arrival there.

For the defence Mr. Matthew T. Johnson was examined, and depositions of Mr. Gilbert M. Sprout and Captain Henderson taken before the Registrar were read.

His Honor in summing up reviewed the evidence at length, and charged in favor of the plaintiff. The jury retired for a few minutes, and the foreman, Mr. Bendixen, handed in a verdict for the plaintiff for \$250 free of all charges for passage money, &c., against the plaintiff.

out either pressing unduly upon the people, or impairing the efficiency of the public service. While I deem it beyond the province of my duty to discuss matters the decision upon which properly belongs to the Legislature, I feel bound to offer as the result of my experience that grave and numerous objections exist to new countries being drawn into debt except for the purpose of reproductive investment.

- 1. To provide for the reception of Native Evidence. 2. To regulate the use of Weights and Measures. 3. To regulate and provide for Postal Services. 4. To regulate Gold Mining. 5. To Provide for the Registration of Births, Deaths and Marriages. 6. To provide for the Administration of Intestate Estates. 7. To provide Exemption from Imprisonment for Debt. 8. To grant jurisdiction to Stipendiary Magistrates for the Recovery of Small Debts. 9. To provide for the Exemption of Home-steads from Liability. 10. Coroner's Bill.

Gentlemen of the Legislative Assembly: 10. The Estimates for the coming year will be laid before you without delay, and I trust you will find them framed with every regard to economy consistent with the efficiency and credit of the public service.

11. Sums are annually voted to a considerable amount for services and establishments over which the Executive Government has no sufficient control, as for purposes of local rather than general utility; and I would beg you to consider the propriety of these charges being borne by the general revenue and this practice continued.

12.—Though the year about to close cannot be considered one of great progress, I have full faith in the future of this colony, and it is gratifying to observe the increased number and improved character of the middle class dwellings which have sprung up and are still springing up, affording one of the most conclusive proofs of the confidence of the people in its resources and stability.

We have during the last year experienced the inestimable blessings of peace and public health, and I trust that the same beneficent Providence which has watched over us in the past may guide us in the path to future prosperity and peace.

LOCAL INTELLIGENCE.

Tuesday, Nov. 28.

A ROGUE AND A VAGABOND.—James Wright was charged at the Police Court yesterday with being an idle and disorderly person. Sergt. Farrell said he arrested the prisoner on Johnson street on Saturday at 10 o'clock, on the sidewalk, and had only been out of prison about four hours; he had no visible means of support. The prisoner—I have been at work on the Emily Harris and on a schooner: I have visible means of support (showing some silver coins) I will appeal to your Honor for a character, you have known me for eight years. (Laughter.) Mr. Pemberton said he should order the prisoner to find sureties, himself in \$100, and two surties in \$50 to be of good behaviour for six months.

GRATITUDE.—We have the authority of our evening contemporary for stating that a handsome silver Communion service has been presented to the Wesleyan Methodist Church of this city by a gentleman in England whose son, while in a delicate state of health out here, received kind attentions from Dr. Evans.

TREASURY.—The Bank of British Columbia will ship to-day per steamer Active \$146,357 47.

Wednesday, Nov. 29.

SAILED AND RETURNED.—The steamer Active left yesterday morning for Portland with 125 passengers, about 70 of whom were Chinamen, and a few tons of freight. Before 2 o'clock, finding that she could not face the strong westerly gale blowing up the Straits, Captain Thorne returned and anchored near the Labouchere, where she remained last night intending to make a second effort so soon as the weather moderated, which it did suddenly about nine o'clock. The second mate had his face injured by being struck by the jib sheet.

LEGISLATIVE COUNCIL.—The hon. members of this Council had a short sitting yesterday, after the Legislature had been formally opened by His Excellency the Governor. The only business transacted was the swearing in of the Hon. Chief Justice Needham, to whom the oath was administered by the Hon. Colonial Secretary, and the Council then adjourned until to-day.

THE DOG CASE.—The case of Dorman v. Medina, for permitting a savage dog to roam at large, came up again yesterday before the police magistrate, and was adjourned for one day to enable the defendant to dispose of the offensive animal.

THEATRE.—Every nationality is distinguished by certain humorous characteristics. The somnolent German with his peculiar relish for interminable pipes of tobacco, countless pots of lager beer, and mystical divings into the speculative philosophy of the objective and subjective, whatever may be the meaning of these abstruse terms, the effeminate and courtly demeanor of the polished Frenchman, always supplemented by a predilection for toasted frogs and snail soup; the insipid languor and sentimental enthusiasm of the accomplished Italian; the "darned smartness" and reckless go-aheadism of the genuine Yankee with his lavish generosity grafted upon Down East outness; or last though not least the affected lip and everlasting appetite for unlimited supplies of roast beef and plum pudding supposed to be the birth right of every sterling Britisher.

Without any ill-feeling so much innocent amusement is derived from the contemplation of the failings and idiosyncrasies of foreigners with a facetious obliviousness of our own, that it has been an inexhaustible mine of fun with dramatic authors from time immemorial. A piece de circonstance has recently been produced in San Francisco entitled "Our Friend from Victoria," which has afforded intense delight to the play goers of that city. As a literary composition the farce possesses slight merit, the dialogue, when not of the baldest and most common place description, is disfigured with wretched puns purloined at random from the modern burlesque writers. However suffice it to say it had a long run, Mr. Charles Wheatleigh personating the hero, an Englishman, we presume reared within the halloved precincts of the far famed Bow Bells. The introduction to the play though not original, having been borrowed from a French piece and a small English farce entitled a "Row in the House," is nevertheless so novel here that it entirely deceived all of the audience last night who were not aware of the plot.

Mr. Ward, the Manager, during the music rushed on before the curtain in an apparent state of excitement, begged the leader to desist, and immediately threw himself upon the kind indulgence of the audience, as owing to the unaccountable absence of the performers there was not an actor left to appear before them and the entertainment could not proceed. The audience looked aghast and murmurs of discontent were muttered round the house. The surprise of the auditor doubled as one after another from various parts of the house protested against the imposition.

Mr. Witherpoon, an Englishman in the dress circle, came to see our "Friend from Victoria" and nothing else, while voices from the pit were loud in their denunciations of the "bilk." There were serious calls for the police, but that useful body of course did not put in an appearance, and the astonishment of the people was in no way lessened when the different salooners, having tendered their services to the manager, rose and walked deliberately on to the stage. The real business of the play then commenced. The plot of this trifle has already been reviewed in these columns. Mr. A. R. Phelps played the Englishman, "Mr. Witherpoon," with much spirit, toying down the exasperation of the "h's" and the reckless substitution of the "w" for "w" in excellent taste; the author, who should know better, having mistaken the domain of cockneydom as a common type of a native of the British Isle. Mrs. Fanny Morgan Phelps delivered the "slang" of her part with much naïveté, which elicited enthusiastic applause from a "discriminating audience." The "Smibert" of Mr. Clarke, and the local imitator of the "Daily Teetotum" of Mr. Torrence also deserve a word of praise for their careful acting.

The evening's entertainment concluded with Charles Matthews' adaptation of "L'Homme Baise" entitled "Used Up." The "Sir Charles Coldstream" of Mr. A. M. Harris was well conceived. The languid, used-up swell "who has seen everything, done everything and knows everything" and finds there is "nothing in it" being capitally rendered, the only fault being a nervous restlessness suggestive of a victim to acute rheumatism. The John Ironbrass of Mr. Pratt was an agreeable surprise, the sturdy blacksmith being represented with great naturalness, an excessive solemnity of manner, which somewhat marred the effect of some of the scenes. Mr. Daniel enacted Sir Adonis Leech with much gentlemanly vivacity, and by his capital byplay and ad libitum contributed materially to the success of the comedy. There was a very fair house, and the entertainment seemed to afford general satisfaction. To-morrow night Mr. Fischer's concert and dramatic entertainment will take place under distinguished patronage.

FROM THE SOUND.—The steamer Eliza Anderson arrived from Puget Sound yesterday at noon, having encountered very rough weather in crossing the Straits. On getting alongside her wharf she was blown with such violence against the piles as to carry away her guards. Her passenger and freight lists appear under the proper head. Her news was anticipated by the Active.

TREASURY SHIPMENTS.—In addition to the amount of \$146,357 47 shipped per Active by the Bank of British Columbia, the Bank of British North America shipped \$80,094 58 and Messrs. Wells, Fargo & Co., \$10,000, making a total of \$236,452 05 forwarded by that steamer to San Francisco, besides sums in the hands of private individuals.

THE PILOT CASE.—The Resident Magistrate yesterday in case of Gardner vs. Wright, decided in favor of the defendant on the ground that the plaintiff was not licensed under the Act of 1864.

ROUGH WEATHER.—A strong south west gale raged all day yesterday with occasional violent squalls, causing some of the strongest built houses in town to tremble and shake as if set in motion by an earthquake. The aspect seaward was the most stormy we have witnessed for an age.

to initiate and alter... CORNER'S BILL... MR. MACFIE ON IMMIGRATION... & Rueff, MERCHANTS, Wholesale Dealers... Provisions, and Shoes... VICTORIA, V. I... REMEDY... PILLS... achic Weakness... INE... & SON... of Glasgow... SURANCE... NOTICE... OF PROFITS... of January, 1866, par... MARK... & TACKLE... ARTICLES ONLY... WRIGHT... & RETAIL... Fitzpatrick... What is the difference between stabbing a man and killing a hog? One is assaulting with intent to kill, and the other is killing with intent to eat.