

The Weekly British Colonist.

Tuesday, May 22, 1866.

LOCAL INTELLIGENCE.

Tuesday, May 15.

FROM COMOX.—From a settler who arrived on Saturday by the Sir James Douglas, we glean the following items of intelligence from the above settlement. From present appearances there will be from 250 to 300 acres of land under cultivation this season. One settler alone had 30 acres of ground ploughed and harrowed for grain, besides several acres of root crops. All the other settlers have from five to fifteen acres in grain and root crops. Some of the settlers have been making considerable improvements on their property. One settler has erected a barn 60 feet by 25 and another one 38 by 25; several other barns of smaller size have been constructed and it is considered that the settlers of Comox are now ahead of any other settlement in the colony in their farm premises and residences. It is computed that Comox will send to the Victoria market this season from three to four tons of fresh butter, provided the steamer continues to run to and from market twice a month; the price in the settlement is five bits. There are at present about 100 tons of potatoes at the settlement which cannot be shipped as the rate of freight charged by water to Victoria is \$7 per ton, whereas American crafts bring potatoes across for \$2 50. It would require a duty of \$5 per ton to be levied on potatoes to sufficiently protect the Comox farmers and enable them to compete with the farmers on the other side. Figs and poultry are becoming very abundant in the settlement. The schooner Emily is bringing down upwards of 1000 lbs. of pork, some of the hogs weighing as much as 350 lbs. Poultry is a drug in the market up there and cannot be sold. The weather during the last fortnight has been very fine and the crops look well. The Indians are quite peaceable and are of great assistance to the settlers as farm laborers, potatoes being the currency for payment. A buck charges three buckets for a day's labor and his squaw two, but the latter is better worth five than the former is worth three. The settlers are still without a road notwithstanding the appointment of Commissioners and overseers. The absence of a road is a matter of considerable inconvenience and injury to the settlers. Wild animals cause very little annoyance although bruin occasionally pays his respects to a porker. Mr. Thompson discovered one of these gentry carrying off one of his pigs recently and attacked the animal with a hand-spike. He succeeded in stunning the brute sufficiently to enable another man to fetch a gun and shoot it. The above facts will show that the Comox settlers are not such a lazy thrifless lot as they were lately designated in the Legislative Council by the Surveyor General.

OVERDUE LICENSES.—A number of summonses for arrears of quarterly licenses were called up in the Police Court yesterday. Mr. Bishop appeared for eleven of the defendants, and made an urgent appeal to the Court, and the Treasury for further time. Most of the parties were old residents, who had paid thousands of dollars to the Colonial Treasury, but owing to the depressed state of the times they had not been earning even sufficient to pay servants' wages, and to compel substantial Hotels and other establishments to close up, would not only be a grievous burden to them, but a serious injury to the Colony. The Magistrate said he had been reluctant to issue summonses until every leniency had been exhausted, and it would be unfair towards those who had paid promptly, and thus lost the interest of their money, to grant time to those who had neglected to pay. There was however an informality in the summonses, as no notice had been given to produce the licenses, and the Court could not levy when there had been informality in the mode of procedure; he should therefore postpone the cases for three days, meanwhile he advised the defendants to pay up, as he should then lessen the penalty, which he should otherwise have to inflict. Mr. Bishop said he would not press the objection, as to want of formality, if the Treasurer would consent to give further time. One of the parties sued had expended \$30,000 in the Colony, another had paid \$8000 into the Treasury since he had been in business. The Treasurer said the Act did not give him power to extend the time, and moreover he had been frequently spoken to by those who had paid their taxes in due course, about the impropriety of any leniency being shown to those who were continually in arrear. Such establishments as could not pay for their licenses were evidently not patronized sufficiently to be a necessity, and should therefore be closed as a nuisance. The Magistrate postponed the cases for three days.

THE HOUSE OF ASSEMBLY met yesterday. Present—The Speaker and Messrs. DeCosmos, Tolmie, Dickson, McClure, Young, Ash, Caswell. Dr. Ash, Chairman of the Committee on the Postal bill, reported in favor of the bill with some amendments. Mr. C. B. Young reported to the House the result of the conference between the two Houses on the District Courts bill. The second reading of the Franchise amendments passed without a single observation and the House then went into Committee of the Whole. Mr. McClure in the chair, on the Spring Ridge bill, but after considering and passing some amendments the Committee reported progress and the House adjourned till Wednesday.

ON A CRUISE.—H.M.S. Scout left Esquimalt yesterday morning at 9 o'clock on a practising cruise as far as Burrard Inlet. She is expected back on Wednesday. On passing round the coast the Scout was engaged in ball practice.

OFFICIAL COMPLIMENTS.—Yesterday afternoon at 3 o'clock Major Gen. Steele and his staff, accompanied by Allan Francis, Esq., U. S. Consul, paid a visit to the U. S. Cutler Lincoln, Capt. White, and then went on board H.M.S. Alert, Capt. Innes. The general and the Consul received the customary salutes from both vessels.

PUT BACK.—The vessel seen to round Race Rocks on Sunday evening was the Russian ship Cesarewitch, which put back from stress of weather and anchored off Esquimalt harbor.

Thursday, May 17.

PUBLICAN FINED.—The proprietor of the Commercial Hotel was charged in the police court yesterday with having supplied a bottle of spirits to an Indian. Mr. Bishop appeared for the accused. Officers Wilmer and Taylor and the Indian deposed to the sale of a bottle of Old Tom to the Indian at a back door. For the defence the sale was admitted, but it was urged that the Indian dressed himself up as a gentleman in order to deceive, and that when asked whether he was not a half-breed he answered in very good English and the spirits were thereupon supplied to him in good faith. Mr. Bishop commented on the improbability of any respectable publican impeding his license for the sake of four bits, that his client had been entrapped by the police who received half of the penalty inflicted, and that this establishment. The Superintendent having been appealed to as to the character of the house, Mr. Pemberton said he had patiently listened to the case and thought that the charge was not only well founded but perfectly clear. These were not times however for heavy penalties, and as this was the first case of a licensed house that had been brought before him for a long time, he should impose a fine of \$100 or two months' imprisonment. The accused wished to say something in regard to the police, but the magistrate would not hear it, and said any charges against them must be made in the proper quarter.

AN AMAZON.—Ann Porteous was charged yesterday in the police court with assaulting George Lawson, the present proprietor. The complainant's charge was that the accused came to the premises and demanded admission which was refused, and that she then became violent and struck him; he therefore prayed that she be placed under restraint. Mrs. Porteous denied the charge and alleged that the accused knocked her down, kicked her, and bit her on the arm. She exhibited an ugly mark (not a strawberry) on her arm, but called no witnesses to support the allegation although the affray was witnessed by a crowd. The complainant swore that he never touched the woman, and his statement was borne out by two or three witnesses who were called by the complainant, one of whom helped to carry the woman home, and on arriving there she fell down and he fell over her, when she bit his finger, and he retired from the conflict to dress his wounds. Mr. Bishop, who appeared for the complainant, said he did not ask that the woman be punished, but that she be placed under recognizances to be of good behavior. The magistrate took pity on the forlorn condition of the accused, and gave her three days to find security to keep the peace.

INGENUOUS INVENTION FOR RAISING SUNKEN VESSELS.—Mr. Jonathan Begg, of this city, has invented what appears to be an ingenious and comparatively inexpensive machine for raising sunken vessels in any depth up to 60 fathoms. Mr. Begg undertakes with this invention to raise any vessel even at a depth beyond the reach of divers. He is of opinion that he could raise the ill-fated Labouchere as she lies without any difficulty, and has submitted an offer by today's mail to the parties who purchased the sunken wreck. We do not profess ourselves competent to pass a scientific judgment on the merits of the invention which was shown to us yesterday, but if it can accomplish one half of what the inventor asserts, he should receive the honor of knighthood.

FROM PORTLAND.—The schooner A. Crosby, Capt. Perkins, arrived yesterday morning from Portland, with two passengers, and a cargo of flour, bacon, oats, etc. Cap. Perkins spoke the bark Glympe and Oakland, at Neah bay, the former bound for Port Discovery, and the latter to Port Ladd, a brig was also seen at a distance. The weather was very wet during the passage.

FROM NEW WESTMINSTER.—The steamer Enterprise arrived yesterday from New Westminster with 35 passengers and \$16,000 in treasure for the Bank of British Columbia. She brought Dietz & Nelson's express.

GEN. F. STEELE, of the U. S. Army, and his staff proceeded yesterday in the Diana to San Juan Island. Before embarking Mr. Gentile, photographic artist, took an excellent view of the groups including Consul Francis.

STEALING BOOTS.—Williams, a half-breed Kanaka, pleaded guilty yesterday to stealing a pair of boots from another Kanaka, and was sent to jail for three months.

REVISOR.—W. J. Macdonald, Esq., has been appointed a Revisor of Real Estate tax vice Lumley Franklin, Esq., resigned.

HOUSE OF ASSEMBLY.—No business was done yesterday, the Speaker having counted out. The House will meet to-day at 3 p.m.

GEN. HALLECK is expected to arrive here in a fortnight on a tour of inspection of the coast.

FOR THE SOUND.—The steamer Eliza Anderson will leave for Puget Sound at the usual hour this morning.

SUPREME COURT.

[BEFORE CHIEF JUSTICE NEEDHAM.] SPECIAL CASE.

DALY vs BUTTERS.—This was an action instituted by the Plaintiff lately a steward on board the steamship California, against John S. Butters, late commander of the said steamship, for damages for wrongful dismissal. Mr. Ring instructed by Messrs. Parkes & Green, appeared for the plaintiff; the Attorney General instructed by Messrs. Drake & Jackson for the master who is absent in California. The defendant pleaded that he did not discharge, and also mis-conduct on the part of the plaintiff, and with leave of the Court added a substituted contract. The plaintiff was sworn, and stated that he had signed articles as steward at \$40 per month for the voyage. On the night of the 13th April, before the steamer left for New Westminster, there was some disturbance among the boys on board, and plaintiff was called by the Captain, and without any reason being assigned, was abruptly ordered ashore with a curse.

In cross-examination—Plaintiff denied that he had come up for the purpose of going to Big Bend.

John Johnson proved that a disturbance took place on the night in question in the cabin among some of the passengers. Allan Francis, U. S. Consul, stated that he was met in the street by the plaintiff and informed that he had been summarily dismissed from the California. Witness replied that it was contrary to law and could not be done unless the captain appeared before him and deposited three months' wages. Witness subsequently saw the captain and informed him that the act was illegal and that he should refuse the ship's papers unless the captain deposited three months' wages. The captain said he had not discharged the plaintiff as he was well aware that he could not discharge a seaman at a foreign port. He (the Consul) then told the plaintiff to go to work. Saw him next on the wharf and told him to return to his duty and plaintiff replied that his clothes were at the hotel. The captain also wanted the plaintiff to return to his duty. Kent's Commentaries and Story on Contracts were quoted by the learned counsel in reference to the duties of masters in foreign ports and also as to the *lex loci contractus*, the Attorney General having raised a question as to the jurisdiction of the court. His Honor decided that he had jurisdiction in the matter.

For the defence no witnesses were called, but the plaintiff was again placed in the box and admitted that another steward named Plummer had met him and asked him to forget what had happened and to return to work, but that he refused. In reply to the court witness declared that he was forward when the disturbance took place and was called by the captain and abruptly ordered ashore without any explanation being given. The oaths uttered by the captain and the sudden outburst of temper quite "scared him."

Counsel having addressed the court His Honor said the case must be treated by the court like all other cases and no difference could be made in this court between one case and another. It would be a bad day for the colony when it could be said that any difference was made between cases or persons. The story that the court was asked to believe in regard to the captain having dismissed the plaintiff without assigning any reason was a most improbable one, but it had not been contradicted, and the court must therefore proceed upon what was before it. The court was satisfied however that the plaintiff had not deserted his ship; that he was in fact ready to serve, and had been wrongfully dismissed. The captain must have been laboring under some mistake or error when in a moment of irritation he fastened upon the plaintiff as the person who had caused the disturbance. The captain admitted to the Consul that he had made a mistake. There was nothing further against the captain than that he aggravated the dismissal by swearing coarse oaths. The inconvenience caused by the lateness of the hour at which the man had been hurried off and that it was only at the last moment, under pressure by the Consul, that the captain admitted his error and wanted the man to go back, which he would not and was not by law compelled to do were facts that the court must consider. In the second place the allegations on record were a series of complaints that were untrue. His Honor felt bound as a jury to look at these circumstances, and taking the rate of wages, loss of account, probable cost of return, &c., into account, gave judgment for the plaintiff for \$70 and costs. We understand the case will be appealed.

LEGISLATIVE COUNCIL.

MONDAY, May 14. Council met at 2:45 p.m. Present—The Hon. Colonial Secretary (presiding), Attorney General, Treasurer, and H. Rhodes.

INVESTMENT SAVINGS AND LOAN BILL. This bill came up from the House below, and was read the first time.

SANITARY COMMISSION ACT, 1865. This bill also came up from the Assembly and was read the first time.

AMENDMENT TO LIQUOR LICENSE ACT, 1861. Council went into Committee on this bill, the Hon. Treasurer in the chair.

The Hon. Colonial Secretary moved for a recommission of clauses 1 and 4 which was agreed to and the clauses were amended so as to make the Act apply to Colville town at Nanaimo, the place having been always designated on the map as Colville town, and the name Nanaimo being considered too comprehensive. The third reading of the bill was fixed for next meeting.

HOMESTEAD AND IMPRISONMENT FOR DEBT BILLS. The consideration of these bills was deferred. The Hon. Colonial Secretary thought it a pity that the latter bill should have been left so long, and he should certainly move at the next meeting that it be considered.

THE SANITARY COMMISSION. Hon. Mr. Rhodes, after perusing this bill, thought that the purposes for which it had been framed were expedient. The Hon. Col. Sec. remarked that the 20th section of the Incorporation Act gave the Municipal body full powers to act in such

matters, and this bill sought to ignore them altogether, and to take the power out of their hands.

The hon. Attorney General pointed out that the bill enacted that it was expedient to appoint a Commission for Vancouver Island and its dependencies, and yet it was provided that it should cease on an act being passed for the incorporation of the City.

The hon. Treasurer observed that the Government was bound to recognize the Corporation as a legal power, as it had an account current with them.

The hon. Col. Sec. explained the powers vested by the Act in the Corporation to abate nuisances and levy penalties in default of compliance.

The hon. Treasurer said as an instance of the powers still possessed by the Corporation; some property holders at James Bay had recently petitioned to have sidewalks laid down and repaired, and it had been done. That was a matter that did not require the expenditure of money by them.

Hon. Mr. Rhodes.—It has been decided that they have not power to raise money has it not?

Hon. Chairman.—No, it was only held that they had not the power to tax trades.

Hon. Mr. Rhodes.—It is a pity that the powers of the Corporation are not more generally known.

Hon. Treasurer.—It is a great pity that their powers were ever questioned. This bill, he thought, however, had a more comprehensive scope, and sought to check the introduction of the cholera, cattle plagues, and other epidemics.

Hon. Col. Sec.—Would not see much objection to the bill if Victoria was to be accepted on an Incorporation Act being passed, so as to leave the bill still in operation, but as it stood the bill was valueless directly the Incorporation bill became law.

After some further discussion the Council adjourned till Thursday.

CITY COUNCIL.

WEDNESDAY EVENING, May 16. Council met at 7:30 p.m. Present—His Worship the Mayor, and Councillors Gowen, Lewis, Jeffery sen., and Layzell.

COMMUNICATIONS. The following communication from the Chief Engineer of the Fire Department with enclosure was read, and received and filed: OFFICER VICTORIA FIRE DEPARTMENT, May 16th, 1866.

To His Worship Mayor Franklin and the Members of the City Council. GENTLEMEN—Before the petition for the use of the chaingang was presented to the Governor I had petitioned His Excellency for the repair of Yates street, between Broad and Douglas, and suggested the use of convict labor to do the same. Enclosed please find an answer to my communication from the Colonial Secretary.

In furtherance of my object, allow me to say that I cannot be responsible for the use of one of the engines, viz.: Deluge, without certain repairs are made, though of a very inconsiderable nature yet very important. I would beg of you to take this matter in consideration while you have the use of the gang, as the breakage of an engine or its late arrival at a fire might cause great loss of property, as also of life.

I feel satisfied that I have only to bring this matter to your notice in order to have the remedy applied.

I have the honor, &c., J. S. DRUMMOND, Chief Engineer.

ENCLOSURE. COLONIAL SECRETARY'S OFFICE, May 16th, 1866.

STR.—I have laid before the Governor your letter of the 10th inst., relative to the repair of a bad portion of Yates street, and in reply thereto I am to inform you that the chaingang have just now been placed at the disposal of the Mayor for the purpose of cleaning the streets of the city, and His Excellency doubts not if you will put yourself in communication with the Mayor that you will be able to arrange for their employment to remedy the evil you complain of.

I have, &c., WILLIAM A. G. YOUNG, J. S. Drummond, Esq., Chief Engineer.

A communication was also read from J. S. Willis, Secretary to the Queen Charlotte Coal Co., asking permission for the use of the room for the meeting of shareholders to-day. Leave granted.

SANITARY COMMISSION. Mr. Lewis's motion for the appointment of a Committee of the Council to attend to sanitary affairs within the city limits came up. The mover said that on further consideration he was of opinion that a by-law was necessary, and while that was being prepared he thought the object would be met by the Committee on Nuisances, if they would see that the by-law on nuisances was strictly enforced. He obtained leave to withdraw his original motion and moved instead that the Committee on Nuisances prepare a by-law to present to the Council at its next meeting. The motion was carried.

THE CHAIN GANG. The Mayor said that in conformity with the resolution of the Council the Committee waited on the Colonial Secretary on Monday and in arranging details as to the chaingang the Colonial Secretary kindly afforded every assistance. He stated that the gang was entirely at the service of the Mayor, the hiring of carts and the use of tools, &c., being left to the Council, there were certain expenses to be incurred which it would be well now for the Council to confirm.

The following motion made by Mr. Lewis was agreed to.—That the Clerk be instructed to acknowledge the receipt of His Excellency's communication, and to inform the Executive that the Mayor and Council have confirmed by vote and assented to the conditions expressed in His Excellency's communication.

THE CHIEF ENGINEER'S LETTER. Mr. Gowen said he had seen the places referred to by the Chief Engineer, which were very dangerous and likely to cause serious injury to the fire engine. The damage now done by the means were at the command of the Council could be very easily repaired. He called attention to other places equally as dangerous, particularly so at night. He moved that the Mayor comply with the request.

Mr. Layzell seconded the motion and thought that while the chain gang was employed in their present work His Excellency would consent to their breaking stone to repair some of the bad places in the streets.

Mr. Jeffery sen., thought that the gang should finish cleaning the streets first, and see what that was going to cost; and the Council should not be in too great a hurry to incur the expense of breaking stone and repairing the streets.

Mr. Gowen said that a good deal of stone ready for use could be had at the corner of Government and Fort streets.

Mr. Lewis remarked that it had been said that the gang would not perform the work properly; he thought that the manner in which these poor men had cleaned the streets during the last two or three days was very good indeed for forced labor. No doubt stone could be had in various quarters outside the town, and after finishing the dirty work in the town it would do the gang good to get fresh country air.

STREET CROSSINGS AND NUISANCES.

Mr. Lewis called attention to some of the sleepers for street crossings choking up the gutters. He alluded more particularly to that from the Queen's Market to Mason & Balls on Wharf street, and thought the property holders should be notified to have the same rectified.

The Mayor said that in cleaning the gutters it was found that greasy water, vegetable washings, and refuse from restaurants were conveyed into the streets, which was very injurious to health. The committee should direct their attention to this matter. Council adjourned till Monday evening, at the usual hour.

EXCOMMUNICATION OF THE BISHOP OF NATAL.

The last mail from Natal brings the formal excommunication of Dr. Colenso, which took place on Sunday, the 5th of January, at the cathedral of Maritzburg, at the early service, when the dean read out the sentence as follows:—"In the name of our Lord Jesus Christ,—We, Robert, by Divine permission metropolitan of the Church in the province of Capetown, in accordance with the decision of the bishops of the province in synod assembled, do hereby, it being our office and our grief to do so, by the authority of Christ committed unto us, pass upon John William Colenso, D.D., the sentence of the greater excommunication thereby separating him from the Communion of the Church of Christ so long as he shall obstinately and impenitently persist in his heresy, and claim to exercise the office of a bishop within the province of Capetown. And we do hereby make known to the faithful in Christ, that being thus excluded from all communion with the Church, he is, according to our Lord's command, and in conformity with the provisions of the xxxiii. of the Articles of Religion to be taken of the man and publican." (Matt. xviii. 17, 18). Given under our hand and seal, this 16th day of December, in the year of our Lord one thousand eight hundred and sixty-five.—R. CARSTROW, We learn, also, that Dr. Colenso has found a new coadjutor in his unauthorised ministrations at the cathedral in the person of the Rev. Mr. Nisbet, a military chaplain attached to the forces in Natal.—The *Observer* says:—The excommunication of Bishop Colenso has united but unofficial concurrence of the two archbishops and nearly all the episcopal bench. They will uphold the jurisdiction of Bishop Gray as metropolitan, and will refuse to acknowledge Bishop Colenso. A successor has been designated for the see of Natal, and when he shall be consecrated they will hold communion with him, and not with the excommunicated prelate. There is no appeal to any English court against this sentence.—*Eng. Paper.*

UNENCLOSING A COMMON.

Some short time back Earl Brownlow enclosed Berkhamstead Common, near his residence, Ashridge Park, with an iron fence five feet high, at an expense of £1000. The greater portion of the common, occupying a space some two miles in length and from three-quarters of a mile to a mile and a half broad, was enclosed a fortnight ago by Earl Brownlow; and we learn that Mr. Augustus Smith, of the Scilly Islands, as the owner of an estate near, and therefore as a commoner acting in concert with his neighbors, had determined to test his lordship's right to this course in a very practical way. On Monday night a special train arrived at Tring with an organized gang of some 120 men, provided with proper tools. These men were marched to the common—three miles off, and were then told off in detachments a dozen strong; the substantial joints of the railings were first loosened by hammers and chisels, and the crowbars did the rest. Before six o'clock on Tuesday morning the whole of the enclosure was levelled to the ground; each stout upright having the metal bands, its tributaries, first neatly folded round it, and then being laid upon the turf it had recently served to close in. It was seven o'clock before the alarm was given, and by the time Mr. Faxton—the late Sir Joseph Paxton's brother—and Earl Brownlow's steward appeared upon the scene, Berkhamstead Common was no longer enclosed. It was too late to do more than protest against the alleged trespass, and this was energetically done. It remains to be seen what further steps will be taken.—*Bell's Life.*

THE STRIKE ON GROUSE CREEK.—Monday, 7th May, 1866.

We have just seen one of the members of the Sneddon or Discovery claim who informs us that the reports hitherto circulated regarding the strike of £1500 to the set of timbers are incorrect; although they had got good prospects, say two ounces a day to the hand. They have been working across the channel for some time past, and although now over thirty feet across it, are still finding the same pay. On Friday and Saturday last, however, they could pick up gold plentifully in the dirt, and though only working six men one shift, washed up 60 lbs. each of these days. They are not on the bedrock yet.—*Sentinel.*