## The Weekly Colonist.

Tuesday, August 2, 1864.

THE ASSIZES

Hon. Chief Justice Cameron. The following gentlemen were sworn in as a Grand Jury : Kenneth McKenzie, Esq., foreman; James Lowe, John M. Work, A. F. Main, D. B. Blair, R. Harvey, Charles Kent, Lienel Varicas, James Frain, Thos. L. Stahlschmidt, H. Nathan, jr., and Jehn Wilkie, Esqrs.
His Lordship, in addressing the jury, said

there were ten cases to dispose of, one of which he was sorry to say, was of a native, for murder; the others were of a very common nature, except one which was of very serious import to the commercial community. It would therefore be for them to see whether there were sufficient grounds for a true bill, and to afford an opportunity to have the case sifted in the minutest manner. As this was the most important case, he would request the grand jury to take it first into their con-sideration, in order that the Court might proquest the jury to take up as soon as possible, as the men had been imprisoned for some time. His Lordship then dismissed the jury to their room, telling them that they might fix their own hours for sitting or adjourning; he hoped, however, they would endeavor to decide on the more important cases first.

After a session of a little over two hours,

the grand jury returned true bills against the following prisoners:—How-a-matcha, Wm. Quarles, (two bills) J. N. Trickey and Herman Schultz, Henry Carter, Peter Mahui, and Jim Davis, Wm. Jackson, John Smith. The bill against Butt, for shooting Mr. Garrett's cow, was ignored. The jury then adjourned till Friday, when the rest of the cases. will be taken up.

THE ASSIZES.

BEFORE CHIEF JUSTICE CAMERON. The Trial of Quarles.

WEDNESDAY, July 27th, 1864.

His Honor took his seat at 10:30, a. m. Regina v. Wm. Quarles—The prisoner stood licted upon the complaint and information of Robt. Cheshire Janion, Wm. Lowthian Green, and Henry Rhodes, trading at Victoria under the style of Janion, Green & Rhodes, for misdemeanor, in obtaining certain goods, wares, and merchandize, off the said complainants, under false pretence.

The indictment charged, that the prisoner, on the 28th April last, unlawfully, knowingly and designedly, did falsely pretend to the said Henry Rhodes, that he, the said Wm Quarles, was interested in one half-interest in certain fixtures and billiard tables in the St. Nicholas Hotel, free and unencambered, and let to Mr. Thomas, at a rental of \$200 per month. and that he, the said Wm. Quarles, was also possessed of certain brick buildings and erections on the upper side of Douglas street, be-tween Fort and View streets, and that he had paid for the said brick buildings, and receiv the ore ed no advances on the same; by means of which said talse pretences, the said William Quarles did, then, (unlawfully) obtain from the said Henry Rhodes, certain pieces of pers in Culverwell's office relating to Quarles. the said Henry Rhodes, certain pieces of hosiery and underclothing, and men's shirts, of the value of \$900 65, of the goods of the said firm, with intent thereby there to defraud. Whereas, in truth and in fect, the fraud. Whereas, in truth and in fect, the Resexamined by Mr. Carvell should not said Wm. Quarles was not possessed or in-terested in the one half-interest in the said fixtures and billiard tables, in the said hotel, free and unencumbered, the same being mortgaged to the firm of Anderson & Co., by a bill of sale for \$2,800; and whereas, in truth and in fact, the said Wm. Quarles was not possessed of the said brick buildings, etc., and had not paid for the same, and had received advances for the same, and had mortgaged the same to one Geo. Cruickshank, for the sum of \$2,000, by a deed dated 11th January, 1863, to the great damage and deception of the said Janion, Green & Rhodes; to the evil example of all others in like case of fending against the form of the statute in such case made and provided, and against the peace of our Lady the Queen, her crown

The prisoner, who appeared perfectly collected, and displayed no apparent concern on entering the dock, when required to plead to the indictment, replied in a firm voice "not.

guilty."

The Attorney General, instructed by Mr. Green, prosecuted for the Crown, Mr. Mc-Creight appeared on behalf of the complainants, and Mr. Ring, instructed by Mr. Cop-land, conducted the defence.

A jury was then empanelled, during which

a long discussion took place as to the right of challenge in cases of misdemeanor. His Honor having at length set the matter at rest, Honor having at length set the matter at rest, the following jurors were sworn:—W.m. Denny, foreman; P. McTiernan, A. Belasco, L. Anthony, Danl. Cleal, John Eyre, Thomas Storey, Geo. Creighton, Jno. Tomlinson, Jno. Laidlow, Jno; Flett, Root. Lettice.

The Attorney General gave a frief cuttine of the case to the jury, and impressed upon their minds the importance of the question involved, as affecting the mercantile interests of the whole community. He informed them

of the whole community. He informed them that his case would not rest only on oral evidence, but upon written documents of the clearest and most unequivocal kind. It would rest with them, after hearing the evidence, to find-first, whether certain representations were false; second, whether Quarles knew them to be false; third, whether Mr. Rhodes acted on the faith of such represen-

Henry Rhodes sworn-Examined by Mr Cary-I remember Quarles coming to me at the latter end of April and asking me to give him credit, which I in the first place declined He proceeded to state that other parties trusted him. I said I knew nothing of his circumstances, and did not like the changes I had noticed in his business. He gave me explanations, and said when he had left Mr. Pitts owed him a large sum of money, about \$8,000, and although he (Pitts) thought himself very smart, he (Quaries) found on his return that Pitts had been dabbling in mining stock, and he had to take the business from him. He stated that he still held one half interest in the Billiard tables and for half interest in the Billiard tables and fix

tures in the St. Nicholas Saloon, clear of all duces bill of sale of St. Nicholas proper encumbrances. That Mr. Thomas was paying registered 19th January, with policy, etc.

him \$200 a-month for them, with a right to purchase at some \$7,000 or \$8,000. He said he also owned all the brick buildings on Vereyden's lot on Douglas st., and had receiv ed no advances on them, they were his ewo He said he had been sending goods to Cariboo, and that he had an order for these goods The summer session of the Court of Assise from that quarter. We were talking for full street ranging between View and Fort Hon. Chief Justice Cameron. The following t sider: he was to call part day.

next day, I told him he might buy goods to the amount of five or six hundred dollars, and Mr. Blair was told to sell them to him. He bought more than that amount, and gave his note for \$900. Had I known that there was a mortgage on the brick buildings, and that the contractor had not been paid, he should not have had one dollar's worth of goods from me. I should have refused him credit if I had known that any of his interests were mortgaged or that the goods were going to San Francisco. I have never been

aid for any of the goods sold: I saw Quarles after this, he wanted to buy some Old Tom on credit. I refused to sell

Cross-examined by Mr. Ring—I may have said that I should have refused credit if I had known the goods were going to San Francisco. I remarked at the time that the goods ere not going out of our local jurisdiction.
The goods may have been pursued in Ameriwould, perhaps, know my reason. I am not aware that goods could be carried from the interior of British Columbia into American ountry. Individuals may escape with the proceeds of goods. My reasons for not wishing to follow the goods to Ualifornia I can explain by stating that I have recently obtained a judgment in an American court, and have been paid in green-backs, which are werth frem 35 to 40 cents in the dollar. I relied most upon Quarles' property. I can-not say how long after the sale the delivery was made. I did not go or send to the Registry office to ascertain whether the mortgage was registered or not. I relied upon the truth of the statement. We do not attempt to centrol the shipments of customers in whom we have confidence I think I should have refused Quarles' credit it he had told me the goods were going to San Francisco, but the question was not put to me. We had previous transactions to a limited

amount with Quarles and Pitts. They gave a note for goods purchased, which they could not pay when due, and we had to re-sell the goods on their account. I saw Quarles in gaol in presence of the jailor. I told him that I had found out that Mr. John D Hager. to whom he had consigned the goods at San Francisco, was a highly respectable young man, and if he wished to save him from the disgrace of being mixed up in such a matter he might give an order on him for the goods. I added that I did not want his answer thet, but any time before the arrival of the steamer would do. The jailor must have been within hearing. (To Mr. Ring) - Have you ever

been in the gaol? Mr. Ring—Oh yes (laughter.)
Mr. Rhedes—Then you will know that he distinctly told him that it would make no difference in the prosecution whether he gave the order or not. The goods, I believe, are

took active steps in his capture.

Re-examined by Mr. Cary—I should no inder any circumstances have given credi had not the Douglas street and St Nicholas property been represented as free and uneu-cumbered. I considered them collectively. There is considerable difference in sending

goods to San Francisco and to British Columbia and the process of recovery.

Mr. Risg—Mr. Rhodes is not a lawyer.

Mr. Rhodes—No, but unfortunately I do know as I have just learned that an action which was instituted by our agent at Portland, through mistaken instructions, against the schooner Jenny Jones, was given in our favor, but payment is to be made in green-backs worth from 35 to 49 cents. Mr. Heath examined by Mr. McCreight—

Am bookkeeper to Messrs. Ja ion, Green & Rhodes—Saw prisoner at the store in May; saw him there at the latter end of April, and distinctly remember his eaying to Mr. Rhodes that he had a lease of the property on Douglas and Fort streets and that he owned the brick buildings and prenises on Douglas and Fort streets clear and mencumbered. Am quite certain of that statement. He also represented that he owned a half interest in the St. Nicholas Hall

Cross-examined by Mr. Ring—Am quite sure he used the word unencumbered, but didn't hear him use the word "free." Have

heard that the goods are in our store.

D. B. Blair, salesman at Messra. Janien, Green & Rhodes, sworn - Examined by Mr. McCreight — About 26th or 27th April Quarles came to the store and saw some eam les of goods. He asked me about credit I told him that was not part of my business. He saw Mr. Rhodes, and I think on the next day I was told to sell him goods, consisting of hosiery, shirts, drawers and Crimean shirts, etc., amounting to \$900. -[Note at 75 days produced. This note was sent round to Quarles' place with the goods. If was sent back not signed. It immediately afterwards went to his office; somebody else was present; I asked if the goods were all right. He said yes. I asked him why he had not signed it, and he said "(th, I'm stupid," or mething of the kind, and then signed it.

Oross-examined by Mr Ring-I have compared the goods received back with the ovoice; they are correct with the exception that they are minus about a twelfth of each ort of goods. He told me when purchasing the goods that he had an order from British

J. C. Pratt clerk to Mr. Drake, examined by Mr. Cary I signed the mortgage deed in favor of Mr. Cruickettank dated 11th Februs ary, as a witness to the signature of Wm. Quaries He received the money therein mentioned in Mr. Uruickshauk's office. Witpess also produced and read lease from Chas.

J. C. Pratt, recalled - Proves the signsture of Wm. Quarles to bill of sale for \$2,800 in favor of Messrs. Anderson & Co. Geo. Cruickshank, sworn—Examined by Mr. Cary—I advanced \$2000 to Quaries in

Afternoon Sitting.

George Cruickshank, cross-examined by Mr. Ring-The value of the lot on Douglas street has been subsequently improved by buildings; thought there were six wooden buildings; the lease was my security with the buildings on it; had since got possession of the whole affair; would take cost and charges for his bargain, and glad to get it; Quarles paid \$600 on 30th April, also \$200 on May 2d; did not pay \$500 on 13th May paid nothing since 2d May; discounted notes for Quarles, but that had nothing to do with the mortgage; knew nothing whatever about the goods coming back to Rhodes; knew nothing whatever about a negotiation between Cuive: well and Quarles; Quarles had promised to pay me the \$2,000 by a loan on the

property mortgaged.

D. A. Edgar sworn, examined by the Attorney-General—Was present in the U.S. Consul's office when Quarles came in with an invoice of dry goods he wished to send to San Francisco; this was on May 5th; I identity the invoice produced as the one signed in my presence, while I was acting for the American Consul.

James S. Jackson, sworn-Examined by Mr. McCreight-Was in the employment of Anderson & Co.; knew the mortgage produced for \$2,800 on the Saloon fixtures; was given in security for goods purchased

from us. Cross-examined by Mr Ring-The mortgage was given as security for goods sold by as 'o Quarles; Quarles was going to Sau Francisco; of course he returned or he would not be here. (Laughter.) The security was for the debt, not for his return the debt was a floating debt; could not tell the exact amount without reference to the books; thought Quarles returned before the expiry of the 90 days credit allowed; the security was for the debt, nothing else; had Re-examined by the Attorney General-Quarles' return was immaterial to us; if he paid the debt the security would be cancel-led whether he returned or not.

Godfrey Brown, sworn-Examined by Mr. McCreight-Was cashier for Janion, Green & Rhodes ; Quarles' note had never been paid; there was no probability of its being

Urossexamined by Mr. Ring-The goods returned to us were marked, I believe, diamond R; the goods were brought by a drayman; I believe they came from a wharf; did not know that the diamond R meant "brilliant Rnodes;" thought it more likely Mr. Rhedes—Then you will know that he could not well help hearing. I never said that he would save himself from diagrace. I mark; as he had already explained the goods

Mr. Ring-Then we cannot get at the aystery of this dramond R? Witness- If vou're not brilliant enough discover it, I'm afraid I cau't assist you Laughter.)

Re-examined by Mr. McCreight-Witess (reading from the invoice) if diamond means au body it must mean Quarles. This concluded the evidence for the prose-

Mr. Ring addressed the Court for the del fence. He rose with some embarrasment to delend this case, which was enhanced by the feeling caused in this community by the alleged breach of commercial faith the would ask the jury to discharge from their minds all they had previously heard, or thought, or ielt, on the case, and try the prisoner solely in ine sworn evidence before the Court. He Pat would remind the jury that one of the grounds alleged to obtain the credit, was hat the goods were to be sent to Cariboo, and because e saw at to send the goods to a better market at San Francisco, he must therefore be charged with obtaining them under false pretences. The precence of getting the goods to send to Cariboo, did not, evidently, come within the meaning of the Act; besides this alleged false pretence was not se. down in the indictment. There was no doubt as to the escape and capture of Quarles, but the jury must not, while contratulating themselves o this fact, think to themselves that they mus protect the community, and punish the or-fender. It was far better that 99 guilty men should suffer. He would ask the jury, in spite of all that had been said about those goods going to California, e.c., if it were not a fact that Mr. Rhudes, and not now the goods in his possession ! What evidence was there before the jury that Quaries intended to go down to California, and pocket the proceeds of the sale of those goods? None whatever The learned counsel sidded to the extravagance and recklessness of the wile of the prisoner, and he would ask the jury to consi der the influence such a wife would have o. a man—what gulphs a man might be led into - without any intention whatever of false pretences. The hearne courset referred to Mr. Urnickshank's loan of \$2,000 on property worth \$20,000; and he would ask i Quaries had erected fresh buildings, and increased the value of this property, whether he were not entitled to represent a portion of this valuable property as free, and a good security for this pairty 900 and odd cents? The main question was whether this property was not good security for this additional \$1,000, after being so increasinably increased in value, and this the jury would have to consider. He would ask the jury if they had a doubt that Quaries interest in this town far over-rode all mortgages against him? After continuing in the acove strain for haif an Mr. Thomas Kesting.

Melboware, Port Philip,
Dhar Sir.—I duly received per Maitland the case of Lozenges, and have much leasure in early sile. Therefore, send u e now the value of ten pounds, that is, double the last sent, packed in two cases with Tins, acc. as before.
The ozenges require only to be tried, and I am sure the sale will be immense. I am not an advocate for your fairness the sale will be immense. I am not an advocate for each of the commended them, that I believe them better adapted to this climate than anything else we have seen used.

Believe me, dear Sir, yours faithfully.

Mr. Thomas Kesting. Quarles had erected tresh buildings, and incontinuing in the acove strain for haif an hour, the learned coursel concluded by calling hour, the learned coursel concluded by calling on the jury to discinct their minds of any prejudices they may have formed, and remiter a fair and impartial verdict.

Mr. Thomas Kesting.

Prepared and sold in Boxes and Tine of various sizes by Thomas Keating. Chemist, &c., No. 79 St. Paul's Church Yard. Loneon Seld retail by all Druggists and Parent Medicine Venders in the render a fair and impartial verdict.

His Lordship in charging the jury, said

render a fair and impartial verdict.

His Lordship in charging the jury, said the indistinct made distinct charges against the prisoner, viz: that he had falsely stated that he was in possession of certain propertial that Vereydhen to Wm. Quaries. Is so bearing the prosecutor in this case must not A. G. Alston, Registrar Gen. sworn—Pro-

were actually untrue; the offence lay in the pretence of some existing fact which actually lid not exist; and if the goods were obtained on the pretence of an existing fact, the case would be made out. His Lordship referred to the evidence the jury would have to con-eider, and proceeded to read it ever. He said the jury must find specifically whether the prisoner possessed the property in the saloon fixtures, and on Douglas street, free and unencumbered, before they could find guilty. The indictment also alleges fraud, and the jury must find the fraud; it would be suffient, however, to find an intention to defraud in the transaction with Mr. Rhodes. His Lordship impressed on the jury the necessity of disabusing their minds of any previous im pressions, and giving their judgment solely on the evidence, which he must say, left no doubt whatever on his own mind.

The jury here retired. After about one hour's consultation, the ury returned a verdict of guiLTY; on hearing which the prisoner was much overcome, and wept prefusely. Sentence was reserved.

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Mr. Thomas Keating.

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The wholesome effect exercised by these admirable Pills over the blood and fluids generally is like a charm in dispelling low spirits, and restoring cheer fulness. Their general aperient qualities well fit them for a domestic medicine, particularly for females, of all ages and periods of life. They never betray any disagreeable irritating qualities; they quickly eject all impurities from the system, and regulate every function of the body, giving wonderful tone and energy to weak and debilitated persons, while they brace and strengthen the nervous system as most extraordinary manner.

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The Weekly Co

VANCOUVER ISLAND GO

Tuesday, August 2,

Within the last few weeks t announcements have been made ploring expedition. Gold has exist on the Cowichan river sufficient to give from a quarter three cents a pan. and sufficient dications have been discovered river to justify, according to the the explorers, a still larger yiel already stated our regret that not give the Cowichan river a n tial test; for whatever intern commander may have given to tions, we think that a gold dis have justified something more "prospecting" of a few pans more recent discovery on Sou little more gratifying than the we take it in the lig or in the shorter, distance of th Victoria. According to the " fifteen pans of dirt, fifteen were obtained, thus averagin half cents to the pan. If the indiscriminately from the sur mored, this might be put dow astonishing yield; for it is al the quantity that would be rea pay. Whether, however, the deep or shallow-covering a the river, or confined to a few "rush" alone will determine the risk attending a gold hunti in Sooke district is not very s very great harm can come to the community who may choo luck. Sufficient proof has be the party of exploration to she in paying quantities exists alon remaining portion of the work enterprising miner. While we are organizing to leave for the gings at once, and we have n the expiration of many days, ber of men will be engaged

river to give it a proper test.

have been various attempts

From 1858, till the pres

land to discover payable go which, although bringing to that gold existed more the country, have resulted do not see in this, howeve destroy our hopes in the pres ment. We know that for u years, while the gold mine were yielding so largely, th tainty existed about New Ze after rumor of gold diggings lated, but beyond obtaining was really nothing to ind Zealand possessed the slight an auriferous country. Ye few years mines have been d almost unparalleled richness able to re-produce a Caribo Island, but we think it high diggings will be developed the laborer three or four do fact that gold has been foun one of our rivers, is sufficien that we may like every oth California, be able to boast On the Jordan and on the which fall into the sea b gold has been discovered but there really never have an adequate number of mer places. Should the inform exploring party has afforde siderable portion of our in not better employed, to tes Sooke river, we feel convin of such a "rush" will be of a gold field on Vancou the mouth of the Sooke from whence it takes its r sixteen miles : but even ravines of the ranges, and streams, gold may probabl ing quantities. Let a few induced to scour the countr we see no reason why sin which have occurred i with no greater induce instance, should not be o want in Vancouver Islan a large number of pros had formerly nothing but two and three, whose thrown away. The pres we think, turn out diffe placing Vancouver Islan her more favored mining

> CHARGES AGAINST A SI John Weeks, of the barl peared before Mr. Pem answer several charges sea, preferred against named Frederick Lupto peared for the presecuti Capt. Weeks. The prohis shipmates were exam of the alleged grievance the evidence of Dr. Die the magistrate dismiss cept the first, and as i Captain, when dissatis in which complainant duty, had laid hands u a fine of \$10, which wa